Unemployment Insurance Review

November 1964

The Benefit Rights Interview

The BRI—Purpose, Methods, and Results
Utah Pioneers With A Film
Oregon: The Dual Approach
Mississippi: Flip Chart Solves Problem

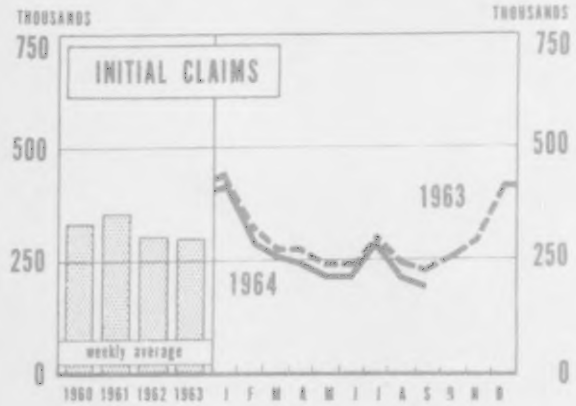
Also . . .

Operation Earthquake

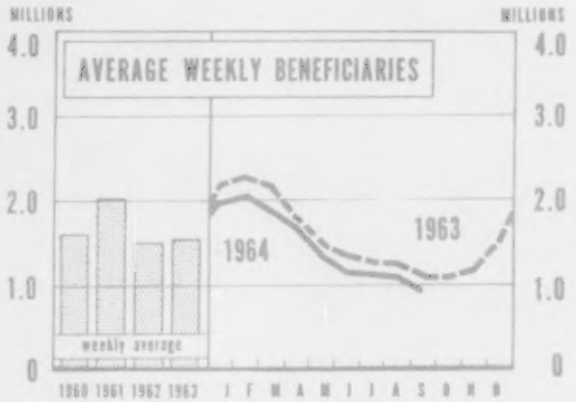
UNITED STATES DEPARTMENT OF LABOR MANPOWER ADMINISTRATION

UNEMPLOYMENT INSURANCE ACTIVITIES

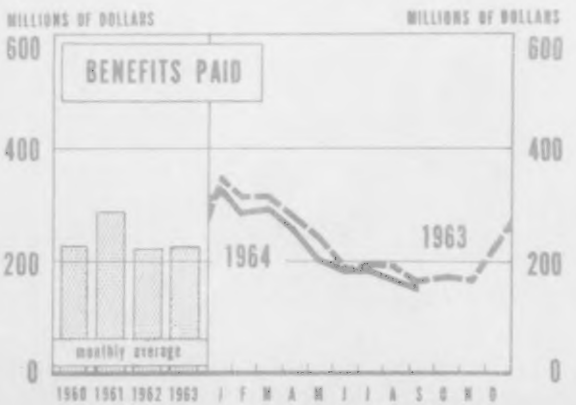
UNDER STATE PROGRAMS



In September, 194,400 initial claims per week were filed under State programs—a decline of 8 percent (about seasonal) from the August average and 24 percent below a year earlier. The volume this September was the lowest for any month since August 1957.



Payments under regular State unemployment insurance programs were made during September to approximately 943,000 beneficiaries—the lowest monthly figure since December 1956. In both August 1964 and September 1963, 1.1 million claimants received payments.



Benefits paid to insured unemployed workers under State programs totaled $148 million in September. This compares with $165 million in August and $163 million a year earlier. For the first 9 months of 1964, benefit payments under State unemployment insurance programs totaled $2.0 billion, compared with $2.2 billion for the same 1963 months.

Unemployment Insurance Review

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U.S. DEPARTMENT OF LABOR
W. Willard Wirtz, Secretary

MANPOWER ADMINISTRATION
John C. Donovan, Administrator

BUREAU OF EMPLOYMENT SECURITY
Robert C. Goodwin, Administrator

UNEMPLOYMENT INSURANCE SERVICE
William U. Norwood, Jr., Director

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The UIS Director Comments

All of us who work in the unemployment insurance program have good cause to be proud of the energy and ingenuity which have been devoted to the benefit rights interview. As the articles in this issue attest, a continuing effort has been made in many States to study, revise, and experiment with new techniques and devices in the interest of providing to the claimant more effective instruction in his rights and responsibilities. The result has been to establish firmly the claimant's right to know and the agency's responsibility to tell him just what he may require of the unemployment insurance program and what the program will demand of him.

This understanding helps to create an atmosphere of fair and open dealing between the agency and the claimant, of course, but it does even more. When a claimant becomes an informed claimant, the agency can consider him as a participant in unemployment insurance operations. Thus, it is no mere coincidence that efforts to extend self-filing of claims developed at the same time as did the benefit rights interview.

The interest and effort invested in developing and improving the benefit rights interview have also been rewarding in the byproducts they have yielded. Staff skills in the use of audio-visual aids often have been a direct outgrowth of work with benefit rights interviews. In some cases, procedural improvements have resulted when the mere attempt to explain the existing procedure to a claimant during a benefit rights interview showed that some requirements were neither justified nor essential.

It may be that the greatest good we can attain from our constant reexamination of the benefit rights interview is clarity of its purpose, its potential, and its limitations. One might think that after so many years of effort and application we should know all the answers on these points. In reality, however, we are just beginning to explore them. For example, we do not know how much information—and misinformation—the claimant brings with him to the local office when he comes in to file an initial claim. Nor do we know, with much preciseness, how much he learns from the benefit rights interview. Further, we have not yet established how much it is reasonable to expect a claimant to learn (or to retain) from a benefit rights interview. Perhaps most important of all: We have not yet determined the difference between what *everybody* should know about unemployment insurance and what a claimant should know.

This last question may also be the most difficult to answer since it involves broad questions about public information and public education. A hypothetical example may illustrate the point. Let us suppose that, in State X, every high school was required, beginning in 1965, to include in its civics course a 6-week teaching unit on unemployment insurance. By 1975, how many claimants would have been exposed to this education? Wouldn't the nature and content of the benefit rights interview have to be reshaped to take account of this kind of general education?

Obviously, basic facts about unemployment insurance are not now being taught in our public schools, although this could and perhaps should happen. However, there are other media which we use to inform the public about unemployment insurance—newspapers, radio, TV, movies, and speeches to civic groups and other organizations. If these are used successfully to reach the public and to explain to them how unemployment insurance operates, we may be able to concentrate the benefit rights interview on the facts that a claimant needs to know in his capacity as a claimant.

Assurance that the general public—to which all claimants belong—has a good background understanding of unemployment insurance would permit the benefit rights interview to dwell on such things as the details of the claims and adjudication processes, and the specifics of the availability and work refusal provisions and their application. If we knew that claimants generally understood the unemployment insurance program, we could, with greater assurance, become more selective in giving the benefit rights interview.

The Benefit Rights Interview

This issue of the Review *features the development and improvement of methods used to inform claimants for unemployment insurance benefits of their rights and responsibilities under the law.*

The BRI—Purpose, Methods, and Results

*Robert P. Harper**

THE purpose of the benefit rights interview (BRI) is to give a claimant for unemployment insurance benefits a good understanding of his rights and responsibilities under the law. This is especially important for persons who are filing an unemployment benefit claim for the first time. Periodic re-evaluation of whether or not "repeater" claimants understand the BRI also is important.

The imparting of benefit rights and responsibilities information to claimants is accomplished in one or more of the following ways:

1. Motion picture film with sound,
2. Using a sound track tape or record,
3. Flip charts accompanied by a lecture,
4. Film slides accompanied by a lecture,
5. Filmstrip with sound,
6. Lecture without visual aids,
7. Interviewing the claimant standing at a counter,
8. Interviewing the claimant seated at a desk, or
9. Giving the claimant an informational pamphlet or other printed matter which he is advised to read carefully.

*Chief, Division of Claims and Benefit Operations, Office of State Operations, Unemployment Insurance Service, Bureau of Employment Security.

Timing the Interview

The time when an interview is given varies among the States. Some State procedures provide that the interview be given when the initial claim is filed. Others provide that the interview be scheduled for a day other than the regular reporting day, but prior to the first compensable week. Many States follow the recommendations contained originally in the *Employment Security Manual* and schedule the interview on the day when the claimant reports to certify to the first compensable week. Experience showed that an average dropout of about 20 percent occurred between the filing of the original claim and the end of the first compensable week. The Bureau of Employment Security and the States reasoned that interviews need not be given unless the claimant certified for a compensable week. This procedure realized a considerable saving of staff time since in the early years of the program most interviews were of the individual type.

When the States shifted from the individual-type interview to interviewing claimants in groups, the Bureau realized that there would be little saving of staff time in delaying the interviews until the end of the first compensable week. Therefore, some States gave the interview when the initial claim was filed, and some at the time of the waiting week certification. Some States concluded that it would be impractical to give the interview to groups when the initial claim was filed because of the varying number of claimants filing claims at any one time.

A few State procedures are based upon the premise that claimants are generally able to absorb only part of the information at one time. For this reason, part of the BRI is given at the time of the initial claim, part at the time of the waiting week certification, and the rest of it when the

claimant reports to sign for his first check. Procedures in some States do not require a BRI if the claimant has previously been given one. Instead of a reinterview, the claimant is given a pamphlet which tells him what he needs to know to protect his rights and to assume his responsibilities.

Recent Developments

The Bureau recently conducted tests concerning the BRI for interstate claimants in four large offices. Information was collected about the claimant's knowledge of the program before the BRI, how much he learned from the BRI, and his retention of the information later in the claims series. The most significant finding was that a high percentage of claimants already understood the program before being given the BRI.

The Bureau cooperated with one State in testing the BRI, and early in 1965 will be cooperating with another State in more tests. Following evaluation of these test programs, the Bureau plans to revise appropriate sections of the *Employment Security Manual.*

What Information Is Needed

Since the unemployment insurance program has been in effect for more than 25 years and tests indicate that a high percentage of workers are familiar with eligibility requirements, it is appropriate to reexamine present policy to determine what is needed to accomplish BRI objectives. Answers to the following questions will furnish valuable information in this study:

1. How much do claimants already know about their rights and responsibilities?
2. How effective is the current BRI? That is, how much do claimants learn from it?
3. How much do claimants need to know?
4. How can claimants be motivated to learn?
5. What type BRI, if any, is effective and needed?

It is generally recognized that when claimants understand properly their rights and responsibilities they are less likely to inadvertently give incorrect or false information. This has a salutary effect upon the administration as well as the public image of the program.

Utah Pioneers With a Film

*George A. Lund**

THE need to have unemployment insurance claimants as well informed as possible has always been recognized, and for this purpose emphasis has been placed on the benefit rights interview (BRI). The content of the interview and methods for the most effective presentation have consistently been areas of concern. Much thought has been given as to how much information the interview must contain to inform the claimant adequately of his rights and responsibilities, and yet keep it direct and concise enough to preclude his becoming confused by the sheer volume of information presented. Perhaps even more important in achieving a clear understanding is the method by which the information is presented. Regardless of its content, the interview is only as effective as the manner in which it is presented.

Careful analyses of content and methods of presentation, coupled with followup interviews, led the Utah agency to adopt audiovisual equipment for the benefit rights interview. Studies showed that BRI's were not uniform in content; that in some cases the claimants' retention periods were short and their degree of understanding limited; and that the BRI's were only as effective as the persons conducting the interviews. We were, in effect, attempting to cover a broad and complex program with inadequate tools, methods, and approaches. A vitally important part of the program's administration—claimant understanding—was being seriously impaired and was falling short of attaining the goals set for it.

Various Methods Tested

Before adopting the film BRI, we tested various methods. These included oral group interviews, individual desk-level interviews, desk-level

*Chief, UI Staff Services, Utah Department of Employment Security.

"completion interviews" following group oral interviews, and interviews utilizing visual aids designed to strengthen the oral presentations. Each method exhibited strengths and weaknesses, but on final evaluation did not accomplish the goal of claimant understanding.

The individual desk-level interview tailored to fit the individual claimant was highly desirable, but heavy workloads and the constant repetition of information impaired its effectiveness and rendered it impractical. The oral-group type interview met the problem of heavy workloads but lacked uniformity, and its effectiveness was influenced by repetition and the capabilities of the person conducting the interview.

One weakness was common to every method used. This was uncertainty as to whether all necessary information had been covered by the interviewer and how much had been lost through ineffective communication or the interviewer's doubt that specific points had been included in the current or preceding interviews. This uncertainty became especially evident during hearings on issues involving fraud where claimants maintained they had not been informed of certain responsibilities. And, of course, there was always the reasonable doubt as to whether or not they had been told. Rarely could an interviewer testify conclusively that he had explained a specific point to a specific claimant, while established BRI procedures required complete coverage of eligibility requirements and claimant responsibilities, and written BRI guides included them, could the interviewer be absolutely certain that in the instant case the point in question had not been overlooked? In all fairness to the claimant, had he actually been told and did he understand what had been said? And, finally, in every method there was the tendency to telescope one interview into the next due to repetition, time limitations, and the rapidity with which interviews were conducted.

Film Presentation Developed

All information garnered from claimant contacts, the interviewing staff, fraud hearings, appeal decisions, and other sources measuring the quality of BRI's in terms of claimant understanding, soon made obvious the need for a uniform and effective BRI presentation. One was needed which would accomplish the desired results and still be flexible enough to be adapted to any given workload situation. A film with a synchronized sound-track explanation met this need, and it was decided to develop this type of presentation.

Suggestions for the content of the BRI script were solicited from all staff having experience in meeting and dealing with claimants. Drafts were written, reviewed, and revised to incorporate the information necessary to assure an adequate explanation of claimant rights and responsibilities. Care was taken to include all pertinent aspects of the program and still eliminate any area subject to law or policy change which would render parts of the film obsolete.

After final approval by the Administrator and UI Director, the script was turned over to a film producing agency. Close liaison was maintained and agreement was reached between the Department and the film producer as to the video content of the film. Costs were minimized by casting employment security staff in the roles of actors and much "on location" filming was done in local offices. Professional actors were used only when necessary; they included the narrator for the script. The finished product was a color film with a running time of 21 minutes.

Reaction Successful

The largest offices in the State were selected to introduce the filmed BRI. Analyses of claimant reaction and understanding were made, particularly of those claimants who had filed in prior benefit years and had experienced the oral, interviewer-conducted BRI. Studies proved that claimant understanding increased markedly; the point was that this was the first time they understood what claiming unemployment insurance was all about. "Repeater" claimants did not hesitate to express the view that the one thing they dreaded most in again filing for unemployment insurance was the boring, meaningless lecture they had to attend. Not only did the film provide an effective means of communication, it also improved public relations.

Labor unions, employer and civic groups, State welfare agencies, universities, and other groups soon were requesting the BRI film presentation in order to further their understanding of exactly what was expected of a person filing for unemployment benefits, and exactly what could be expected from the Department. The film provides an effective means of presenting the claimant role

in the unemployment insurance picture; it gives a desired uniformity never before achieved; and it eliminates uncertainty as to whether all basic information is being given to each claimant. The area of "not knowing" has virtually disappeared in hearings on fraud issues. The hearing representative can now place confidence in the BRI content and determine more accurately the extent of claimant understanding.

Group benefit rights interviews are conducted in all offices. Claimants report in accordance with a predetermined schedule, and approximately 1 hour is allowed for the presentation. A brief introduction explaining the purpose of the interview precedes the showing of the film. Following the film, claimants' questions are answered, and, as a supplement to each BRI, an agency representative emphasizes further the points covered in the film. Procedural changes not reflected in the BRI film and which affect claimants also are explained. When necessary, claimants are shown the forms on which a basic change has been made. In addition, special provisions pertaining to claims by former Federal employees (UCFE) and ex-servicemen (UCX) are explained after dismissal of claimants filing under State programs.

Continuous Evaluation

Benefit rights interviews are evaluated regularly by the local office claims supervisors, and by State staff technicians during their review of local office operations. These evaluations are helpful in apprizing local office management of any needed corrective action. However, the real effectiveness of the BRI is best determined by personal contacts with the claimants. This is accomplished when an audit team is in a local office area and interviews claimants face to face. Claimants' understanding of their rights and responsibilities are explored thoroughly and their questions are clarified.

A review of the audit team's findings points up any particular pattern of misunderstanding that may exist, together with specific problem areas. These are brought to the attention of the local office staff, and special emphasis may then be placed on the items in question during discussions following the showing of the BRI film.

There are occasions when Central Office evaluations also identify certain areas of claimant misunderstanding. For example, a study of the nonfraudulent overpayment cases may show a pattern as to their cause, such as claimants reporting net instead of gross earnings. The local offices are informed of the existing problem and are instructed to stress the correct reporting of work and earnings during benefit rights interviews and at all points in the claims process.

The BRI film is viewed periodically by top administrative staff to determine whether its content is still up to date in the light of recent legislative or policy changes. Suggestions received from local and Central Office staff members also are reviewed and decisions are made as to any needed changes. As noted, care was exercised in the initial preparation of the film script and visual content to eliminate items that would be susceptible to law or policy change. During the past 11 years, only two revisions were required in the film.

After comparing experience with all methods used for benefit rights interview, Utah is convinced that its basic purposes are more readily and adequately served by the audio-visual presentation which provides claimants with the basic information needed for a better understanding of their rights and responsibilities as claimants.

Oregon: The Dual Approach

*Stanley J. Scully**

Does the benefit rights interview (BRI) overemphasize claimant responsibility? Most employment security personnel would undoubtedly reply quickly that claimant responsibility cannot be overemphasized. However, if the emphasis on *claimant responsibility* is compared to the emphasis placed on the *agency's responsibility* to the claimant, perhaps many would agree that the question has some merit or at least indicates a need for a more detailed analysis of our BRI procedures.

Agency Responsibility

Before exploring the question further, agency responsibility must be defined. For the purpose

*Department of Employment, Salem, Oregon.

of this article a succinct definition would be: "the agency is responsible for the payment of unemployment insurance benefits, when due, in a prompt, fair, and impartial manner." The next question is: How can the agency best fulfill this responsibility?

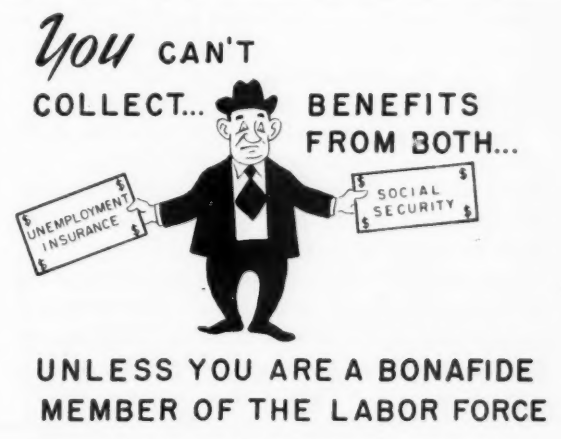
According to the principle of fair play that is fundamental to our American culture, participants must be fully advised of the rules of the game, whether it be a sports event, civil action in a court of law, or an intramural school debate. Also, it has been established by law and custom that the rules are explained before the game starts, lest participants find themselves in trouble or lose the game because of lack of appropriate information. Such rules of fair play should apply also in the administration of a social program like unemployment insurance. Through the years, the State agencies have attempted to adhere to the principle of fair play by explaining the rules and regulations to each claimant during an interview now commonly referred to as the Benefit Rights Interview.

Presentation and Content

Variations in State laws, agency policies, claimant characteristics, and physical facilities make it impossible to completely standardize the BRI throughout the Federal-State UI system. However, if an agency plans to fulfill adequately its responsibility for providing the claimant with a proper explanation of his rights and responsibilities, such basic points of information as eligibility requirements, disqualification provisions, reporting instructions, and appeal rights should most certainly be included in the BRI procedure.

Actual on-the-job observation of BRI procedure given on an individual basis often indicates that certain points are not explained in sufficient detail. Others are either omitted completely or mentioned only briefly. Such inadequacies are most common with respect to the following areas of the BRI:

1. *Eligibility requirements.*—The agency and the claimant should have a "meeting of the minds" early in the initial claims series as to what the eligibility requirements are, and what the claimant must do to meet them. It is not uncommon to hear claims personnel advise a claimant during the BRI that he must be "able and available for,



Examples of slides used in the Oregon BRI presentation.

and actively seeking, suitable work" to be eligible for benefits. A brief routine explanation of "able to work" is usually adequate, as claimants who are sincerely trying to fulfill their responsibilities seldom misinterpret this requirement. However, this is not true for such terms as "available for work," "actively seeking work," and "suitable work."

It is not reasonable to expect a claimant to adequately understand eligibility requirements that are defined in such general terms; therefore, in addition to advising the claimant that he must be "available for and actively seeking suitable work," the agency must: (1) Give proper consideration to such factors as the claimant's occupation, work experience and training, regular employer attachment, local hiring practices, and current job market conditions; (2) determine what the claimant must do to meet the eligibility requirements in light of such factors; and (3) instruct the claimant

regarding what action he must take to meet them.

2. *Interstate claimants.*—The very nature of the interstate claims process places additional responsibility on the agency for providing the interstate claimant with an adequate BRI. To reduce correspondence and delay in the payment of benefits to a minimum, the interstate claimant must be provided with an adequate explanation of his rights and his responsibilities to both the agent and the liable State, and he must understand what services are available to him through agent-State facilities.

3. *Title XV claimants.*—When the State agencies entered into agreements with the Federal Government to act as agents for the purpose of paying unemployment insurance benefits under the provisions of title XV of the Social Security Act—to former Federal employees (UCFE) or ex-servicemen (UCX), they also accepted responsibilities with respect to the BRI for such claimants.

To fulfill their responsibilities in this area, State agencies must be sure that title XV claimants are provided with an adequate explanation of the following points in addition to those covered in the BRI for State UI claimants: (1) The responsibilities of UCFE or UCX claimants for taking the necessary followup action on their re-employment rights; (2) the "finality provisions" with respect to wages, periods of service, reasons for separation, etc.; (3) how the claimant may exercise his rights for reconsideration under the "finality provisions"; (4) all the factors to be considered in establishing the schedule of remuneration for determining base- and lag-period wages for ex-servicemen; (5) procedure for assignment of Federal military and civilian wages to a particular State; and (6) effect of Federal military and civilian accrued leave on benefit entitlement.

4. *Insufficient wages or less than maximum benefits.*—Where such monetary determinations are made they should be reviewed thoroughly with the claimant to make sure he has not been deprived of benefits he is entitled to under any of the unemployment insurance programs. Since the claimant cannot be expected to be aware of the various possibilities that exist for establishing a valid claim, or for increasing the weekly or maximum benefit amount on an established valid but less than maximum claim, the responsibility for exploring such possibilities also is delegated to agency claims personnel.

The possibility that the claimant inadvertently omitted base-period Federal civilian employment or military service should be explored, even though informational pamphlets given to the claimant and posters displayed at initial and continued claims-taking stations specifically instruct the claimant to report such employment.

Most claimants would not think about combining wages earned in one or more States to qualify for benefits in another State; therefore, claims personnel must review thoroughly the claimant's past work history to make sure such a possibility has not been overlooked.

Periods of time unaccounted for in the claimant's base period also should be considered since at least one State law provides for an extension of the claimant's base period if he is unable to work for extended periods of time during any or all of the base-period quarters because of illness or injury.

Unless the foregoing and other points of information are supplied within the BRI, they must be provided for by supplementary materials or procedures. A careful consideration of agency responsibilities in this area has led to the development of the current BRI procedure in Oregon.

Dual Approach Developed

In Oregon, the BRI was developed during three periods of time: the 1940's, 1950's, and 1960's. From the inception of the unemployment insurance program through the 1940's, Oregon claimants were not given a BRI as it is known today, but were provided with a brief explanation of eligibility requirements, disqualification provisions, reporting requirements, appeal rights, and a review of the monetary determination if requested by the claimant.

During the 1950's, claimants were provided with a more detailed explanation of eligibility requirements and disqualification provisions. Use of the informational pamphlet was initiated, and the claim identification booklet was expanded to include general reporting instructions for the claimant. Early in the 1960's, the Portland office converted to the group BRI—given with the aid of audiovisual equipment. Other offices throughout the State continued giving the BRI on an individual basis until only recently when adequate audiovisual equipment for conducting the group

BRI was obtained for the next two larger offices in the State—Salem and Eugene.

The Audiovisual Group BRI

Today, when a claimant files a new claim for benefits, he is provided with an informational pamphlet entitled "Facts About Unemployment Insurance" and a claim identification booklet which also contains general information about eligibility requirements, disqualification provisions, and reporting instructions. He is instructed to read both documents and be prepared to ask any questions he might have when reporting the following week to certify to his waiting week and to attend the group BRI.

The current audiovisual group BRI used in Oregon's larger offices is presented in rooms varying in claimant capacity from 30 in Salem to approximately 50 in the Portland office. A combination tapeplayer and filmstrip projector is utilized for the presentation. The filmstrip has 49 frames, each illustrating a pertinent part of the BRI. The audiotape is synchronized with the filmstrip to provide the appropriate narrative for each frame. The film takes approximately 20 minutes to show. An addition 10 to 15 minutes is allowed to answer claimant questions, to assign individual claimants their subsequent reporting dates, and, in some instances, to certify a claimant's waiting week.

Group vs. Individual BRI

Oregon's experience with both the group and individual BRI indicates that the dual approach, with some refinements, should be continued. The audiovisual group BRI has proven very satisfactory, and present plans provide for its expansion to other large- and medium-size offices when funds and facilities are available. It would not be recommended for smaller offices or itinerant points as

Stanley J. Scully, Administrative Office UI Programs and Methods Technician, observing John H. O'Brien, BRI Monitor, explain purpose and content of the BRI before showing film to a claimant group at the Portland local office.

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adequate facilities and personnel are not usually available and the claim load does not normally justify the cost of the equipment. For these offices, a small group BRI with some modifications would be recommended. For example, Oregon is currently experimenting with the use of blowups mounted on hard stock to be used by a staff member in conducting small group BRI's. For this particular pilot study, the local office has been provided with blowups of claims application forms and excerpts from the informational pamphlet and identification booklet. It is believed that these displays will be of considerable help to the staff member giving the BRI who will act also as a monitor for the self-filing of initial claims.

Evaluation

Claim procedures such as the BRI are seldom easy to evaluate as the results often are intangible. It is sometimes difficult to determine whether the inadequacy resulted from an inadequate BRI, or from some other phase of the claims process.

While on-the-job observation of the BRI is considered a normal part of every local office UI organization and management review, this approach often may leave much to be desired as an evaluation tool. Observation of a procedure like the BRI seldom provides a true picture of normal day-to-day operations. The evaluator may make the claims deputy nervous and, as a result, he fails to perform in his usual manner, or the observer's presence may prompt the deputy to make a favorable impression by giving a very detailed explanation which bears little resemblance to the type of presentation he normally delivers.

In addition to on-the-job observation, the evaluator might also consider using some of the following approaches to the BRI evaluation problem:

1. Select at random from the continued claims line some persons who have been given the BRI and question them to determine:

a. How well they understand their rights and responsibilities.

b. To what degree their understanding, or lack of it, can be attributed to an adequate or an inadequate BRI.

2. Question local office claims supervisors and adjudicators to obtain their general reaction to comments made by claimants during periodic interviews, or interviews involving nonmonetary issues. Often a composite of such reactions will reveal whether claimants in general are receiving an adequate or inadequate explanation of their rights and responsibilities.

3. Select a sample of cases involving any of the following issues to determine if the issue could have been avoided by providing the claimant with an adequate BRI:

a. Overpayments or adjustments due to claimant reporting net instead of gross earnings.

b. Reporting earnings on an employer's "pay week" instead of a calendar week.

c. Failure to report self-employment, school attendance, retirement pay, etc.

d. Failure to exercise appeal rights.

e. Failure to disclose base-period Federal, military, or civilian employment.

Conclusion

In a little over 25 years, the BRI has advanced from an unidentified and incidental part of the claimstaking process to a formally identified and required claims procedure that is followed with each claimant—with the aid of the latest in audio-visual equipment. Obtaining this equipment and other tools for presenting the BRI, while most desirable, does not automatically resolve all agency problems. Considering the degree of State agency acceptance of electronic data-processing equipment and other types of automation, changes in the content and methods of presenting the BRI during the next 25 years will equal and undoubtedly far exceed any changes made since the inception of the unemployment insurance program.

The need for such changes can probably be best recognized by frequent and adequate evaluations of the BRI. However, to be effective, supervisory personnel must follow up with the necessary actions to modernize obsolete procedures or equipment and to correct other inadequacies uncovered in evaluations.

The continuous application of these and other principles of good management should guarantee the continuing fulfillment of agency responsibility to the claimant, and also the development of controls and tools necessary to keep BRI procedure abreast of any future changes in the overall claims process.

Mississippi: Flip Chart Solves Problem*

A BASIC principle in administering the unemployment compensation program is to give complete information about his rights and responsibilities to each person who files a claim.

Early in the program, the States scheduled each claimant separately for an eligibility benefit rights interview (BRI) which was conducted as a seated interview. The claimant was informed of his rights and responsibilities under the law, and a preliminary inquiry was made into his eligibility for benefits. This proved to be a time consuming procedure for claimstaking personnel; claimants were not always sufficiently informed; and during periods of heavy claim loads the procedure was impossible to carry out. It became obvious that interviews were abbreviated in many instances and at times were not given at all.

These difficulties prompted various suggestions from the States and from the Bureau of Employment Security. The problem also was discussed at length at several meetings of the Interstate Conference of Employment Security Agencies and was an emphasis item on the agenda for a meeting held in 1957. Representatives at the meeting were told about a film being used by the Utah agency to provide unemployment insurance information to claimant groups. Advantages in using a film were pointed out: It could be produced as a technical tool, using a professional approach, to explain the program, and would assure that all claimants are given the same information under all conditions and circumstances. After this meeting, the film idea was brought to the attention of all the States by the Bureau.

Smaller States' Problems

A few of the larger States adopted the BRI film independently or combined their efforts with other States, but for many of the smaller States this solution was not feasible. The costs of producing a technical film and providing projection equipment for its use in small offices and at itinerant points were insurmountable. Another objection was that a film would be stereotyped; it would be limited to certain points and could not be altered quickly to fit specific situations arising at particular times. For example, State legislatures amend their UI laws from time to time, and they change eligibility requirements or benefit rate formulas to adjust to changing economic conditions. This would mean either revising the film or producing a new one at considerable expense. Another problem would be the amount of time lost in revising the film.

In States where the film BRI was considered impractical, other procedures for conducting the group interview were developed. These included a lecture without visual aids; slides to be shown during a lecture; and a series of flash cards containing basic information.

Mississippi's Problem

In early 1958, the Mississippi agency began a study of methods used by other States, but none seemed suited to Mississippi's particular situation. The State serves claimants at 31 local offices and 60 itinerant points, and the claim-load varies from 500 to 10,000 claims a month. *New claims* taken, which would indicate the number of claimants to be scheduled for the BRI, vary from a monthly total of 5 at an itinerant point to over 400 at one of the large local offices. Consequently, we had to devise a visual aid that was not too costly and that was flexible enough to be presented to all claimants—intrastate, interstate, ex-servicemen (UCX), former Federal employees (UCFE)—and to small groups at itinerant points with limited facilities as well as to groups at large local offices with adequate arrangements.

Solution: Script With Flip Chart

It was decided that the best solution would be a low-cost visual aid flip chart containing basic information to supplement the remarks of the interviewer. This approach has advantages other than the relatively low initial cost. Any of the charts can be revised or replaced, with little time loss and at reasonable cost, to reflect recent economic changes, revisions in the State law or in the UCFE

*Staff, U.C. Technical Services Department, Mississippi Employment Security Commission.

Above are some of the charts used in the Mississippi group Benefit Rights Interview.

and UCX programs, or provisions of new programs such as the Temporary Extended Unemployment Compensation Act of 1961, or training allowances under the Area Redevelopment and Manpower Development and Training Acts.

To assure that the lecture would be presented effectively, and that all claimants would receive the same basic information, a script was developed in booklet form with each page of the booklet related to a page of the chart. Each interviewer studied the script and became familiar with the content so that he could give the lecture without reading the script. This would help make the discussion informal and would encourage claimants to ask questions.

The flip charts were prepared in color on 24- by 36-inch heavy linen-backed paper and were used for the first time in three local offices of different sizes, and at itinerant points. The outline shown here was developed as a guide for preparing the charts and script.

After a trial period and evaluation, all staff members agreed that this form of presentation was the best answer to our problem. We next had to decide on the best possible method of installing the new procedure in all local offices. To do this, operating manual instructions were prepared, starting with the initial scheduling of the interview and going through to the final question and answer period—including the proper posting of all local office records. Before sending the charts, scripts, and manual material to the local offices, the suggested outline and procedures were discussed at a meeting of the field supervisors and State office technical staff. Each supervisor then established the procedure in the offices in his area.

Procedure in Operation

The group benefit rights interview with the flip chart and script was put into effect in Mississippi in October 1958.

Claimants filing new claims are scheduled for a group BRI to be conducted during the first week following the filing of the claim. At the time interviews are scheduled claimants are asked to report on time and to be prepared to stay 40 to 45 minutes.

The interview itself is timed to last from 20 to 25 minutes depending on the number of questions asked. At the conclusion of the presentation claimants who are monetarily eligible are assigned their next reporting date; other claimants remain for a seated interview during which the determination is given to them with an explanation, and they are advised of their right to appeal.

Revisions

Since the initiation of the procedure, the script has been revised several times to provide information about new programs and changes in the law. Also, for greater ease in handling, transporting, and storing, the charts have been reduced to 18 by 24 inches, and a stronger binding material has been used.

There has been no change in the original requirement that all claimants filing new claims be scheduled for the group BRI. A suggestion was made that repeater claimants (those who file year after year) be eliminated from the group BRI since, presumably, they are familiar with the program. However, Mississippi has not yet found a satisfactory procedure to identify positively this type of claimant. Further, it is believed that most of the information, although repetitious to some of these claimants, will still be useful to them.

Evaluation

To measure the effectiveness of the group interview, the entire procedure was made part of the local office evaluations process. An outline was developed for use by the office manager, field supervisor, or technical staff from the State office, in observing and evaluating the interview.

After 6 years of experience with this technique, an appraisal of its effectiveness reveals that the original goals have been achieved. It was anticipated that the group interview would provide enough time for claimants to become thoroughly acquainted with their rights and responsibilities, to be informed of the services available at the local employment service offices, and to reduce the likelihood of overpayments and appeals resulting from claimants' lack of understanding.

Another important use of the BRI presentation is to promote better understanding of the program among various employer groups, service and civic clubs, and other organizations. Some local offices throughout the State have found the BRI script and flip charts effective in establishing better public relations with all the people the agency serves.

Outline Used in Preparing Charts and Script for Mississippi's Group BRI

Chart 1—Employment Security Program

Purpose:

1. Help workers to find jobs
2. Help employers to find needed workers
3. Pay benefits to eligible unemployed

Chart 2—The Local Office

Two Sections:

1. Employment Service Section
2. Unemployment Service Section

Chart 3—Employment Service Section

A. Provides a placement service: industrial, agricultural, and domestic

1. Takes applications for work
2. Receives employer orders for workers
3. Matches applications and job orders
4. Refers best qualified applicants to job openings

Chart 4—Employment Service Section

B. Renders other services

1. Helps worker decide on occupation to follow
2. Gives tests to help workers get in the right job
3. Gives information about job opportunities—local, State, and Nation

Chart 5—Unemployment Insurance Section

1. Takes claims
2. Explains rights and responsibilities
3. Investigates eligibility of claimants

Chart 6—Unemployment Insurance Is

A bridge between your old job and a new one

Chart 7—Unemployment Insurance Is *Not*

1. Old-age and survivors' insurance
2. A welfare program
3. Based upon need
4. Sick or disability insurance
5. Vacation pay

Chart 8—How Benefits Are Determined

1. Base period
2. Insured wages
3. Benefit year
4. Weekly benefit amount
5. Maximum benefit amount
6. Determination sheet

Chart 9—To Be Eligible, You Must Be

1. Unemployed
   a. Total
   b. Part-total
2. Able to work
3. Available for work

Chart 10—You May Be Disqualified If

1. You quit work without good cause
2. You are discharged for misconduct
3. You refuse referral or a job
4. You fail to report when requested

Chart 11—Right of Appeal

1. In writing within 7 days

Chart 12—It Is Your Responsibility To Report

1. To your local office as directed
   a. Mail claim
2. All work performed
3. Total amount of earnings during week for which claiming benefits
4. Any offer of work
5. Illness or disability
6. Change of address or telephone number
7. Retirement or pension payments

Chart 13—Calendar Week

1. Earnings reported and benefits paid in calendar week.

Chart 14—Certification

Each time you file a claim, you sign a certification. This certification means, in effect, that you are certifying that you have withheld no information which would affect your eligibility for benefits that week.

Chart 15—Penalties for Misrepresentation

1. Fine
2. Imprisonment
3. Loss of future benefits

Chart 16—Identification Card

It is important that this card be kept and presented each time you report to the local office.

Question and Answer Period

Please feel free to ask any questions about any of your rights and responsibilities which you do not understand.

Issues Reflected In Recent Appeals Decisions*

Voluntary Leaving or a Labor Dispute?

A "WILDCAT" strike, a letter from an employer to his employees telling them to return to work or face loss of their jobs, and an existing collective bargaining agreement containing a no-strike clause—these are the basic ingredients for a decision on which courts and administrative agencies have differed, both within a State and among the States. This situation and others have raised the issue as to whether the labor dispute or the discharge provision (discussed in "Participation in a Labor Dispute: Misconduct or a Labor Dispute," *Labor Market and Employment Security*, August 1959) or voluntary leaving provision, to which this article is devoted, should apply.

All States have provisions in their laws (1) which disqualify a claimant if his unemployment is due to a labor dispute at his plant, which, depending upon the State law, may or may not have to result in a work stoppage; and (2) which disqualify a claimant if he voluntarily leaves his work without good cause. Some authorities attempt to make a clear distinction between a labor dispute and a voluntary leaving by emphasis on the fact that voluntary leaving refers only to a severance of the employment relation. Labor dispute, on the other hand, is a temporary interruption in the performance of services by workers or the employer as an instrument to force the other party to accede to certain demands.

Most State laws do not define the term labor dispute; this has caused interpreters of the labor dispute provision to turn to Federal labor laws for a definition. The Norris-LaGuardia Act, 29 U.S.C.A. 113(c), states:

> The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relationship of employer and employee.

Under the Labor Management Relations Act (Taft-Hartley) 29 U.S.C.A. 142(2):

> The term "strike" includes any strike or other concerted stoppage of work by employee * * * and any concerted slowdown or other concerted interruption of operations by employees.

These are the tools which the courts and administrative agencies have available to them. One further point must be made before consideration can be given to the actual cases. One of the leading reasons given for the inclusion of a labor dispute disqualification in State unemployment insurance laws is that the State should remain neutral as regards the participants in a labor dispute and by its action should not favor either party. This has remained as a constant criterion though some State laws exclude lockouts from the definition of a labor dispute, and lift the labor dispute disqualification if certain factors are present. The "neutrality of the State" has been interpreted to mean that inquiry into the merits of the dispute is not a proper action for the agencies involved in the adjudicative process.

A recent Massachusetts case (*Worcester Telegram Publishing Co. Inc.* v. *Director D.E.S., et al.*, 198 NE 2d 892, May 19, 1964, CCH Mass.-Par 8270) strikingly illustrates the diverse thoughts on this issue. The claimants, members of the International Typographical Union, went out on strike to enforce their demands for changes in the collective bargaining agreement. The employer began hiring replacements immediately and by the end of the 10th week all of the strikers had been replaced. The issue was the eligibility of the claimants from the 10th week on, since there was no longer a work stoppage at the establishment. The employer argued that the employees had made a demand which was held illegal under Federal

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law (see *International Typographical Union, et al.* v. *National Labor Relations Board*, Supreme Court of U.S. April 17, 1961) and which was illegal under State law, and that under the ruling of *Howard Bros. Mfg.* v. *Director D.E.S.* 333 Mass. 244, the claimants were to be disqualified for voluntary leaving without good cause attributable to the employer. In the *Howard Bros.* case, the claimants were disqualified for voluntary leaving because they went out on strike in violation of a written contract which contained a no-strike clause. In distinguishing the instant case, the Board of Review stated:

> It is to be noted that in the Howard Brothers case the strike was in violation of a written collective bargaining agreement, and the Board of Review could have ascertained the facts, by making a finding of fact after a hearing and reading the collective bargaining agreement in conjunction with the findings. Here there is no written agreement * * *

In rejecting the employer's contention that the Board take judicial notice of the U.S. Supreme Court decision, the Board stated:

> For this Board to base its decisions on the actions of other tribunals, no matter how well respected, would constitute an abandonment of the legal mandate given to the Board of Review by the Legislature.

The Central District Court of Worcester reversed the Board of Review, and held that, since the demands made by the union were illegal, the ruling in the *Howard Bros.* case required that the claimants be disqualified for voluntarily leaving their work without good cause. The Supreme Judicial Court reversed the lower Court disqualification of the claimants and held that the labor dispute provision was to be applied. In holding that the *Howard Bros.* rationale was not applicable, the Court however reaffirmed its reasoning and stated:

> We hold that the principle of the Howard Bros. Mfg. Co. decision does not apply to a case where the asserted impropriety of the strike rests only upon the determination whether a unfair labor practice, or other violations of the National Labor Relations Act, gave rise to the strike.

The Supreme Court's decision in effect stated that inquiry into the merits of the dispute and the possible application of the voluntary leaving provision is appropriate, but only if such action can be based on Massachusetts law. The application of this principle, depending upon the facts, can involve the adjudicative bodies in more than they can and should handle. The potential involvement and the intricacies involved are highlighted by the following statement in Walter L. Daykin, *The Legal Aspect of Strikes*, 11 Labor Law Journal 739, 745 (1960).

> Therefore, the right to strike against employer unfair practices is fundamental in the statute (NLRA), and is not waived because of the inclusion of a no-strike clause in the contract, unless it is agreed that strikes caused by such unfair practices are to be included in the no-strike clause.

A recent Minnesota case (*Kitchen, et al. and Starkey, Commissioner D.E.S.* v. *G. R. Herberger's Inc.*, Supreme Court, March 9, 1962, CCH Minn.-Par 8016; BSSUI LD–445.15–9) illustrates the lack of substance which can be found in the contention that the voluntary leaving provision is applicable to what appears to be a classic labor dispute. Though the collective bargaining agreement between the employer and the union had come to an end, the employees continued working for a 3-week period before going out on strike. At the end of an 8-week period, the employer gave notice, through a newspaper advertisement, that it was discontinuing its business as of that time. Before the Court, the employer contended that the claimants were subject to the labor dispute disqualification and that, since no formal settlement had occurred, the employment of the claimants had not been discontinued but only suspended. In the alternative, it was argued that the employees by their voluntary engagement in a strike or labor dispute had caused their own unemployment, and therefore they were subject to the voluntary leaving provision of the law.

The Court rejected both arguments and found the labor dispute provision applicable. It answered the first contention by stating:

> In the case before us the dispute was ended when the employer determined to go out of business. After this decision there were no jobs over which there could be a dispute and nothing was left to negotiate. Under the facts before us it is not realistic to say that the employment was suspended. The employer-employee relationship was terminated when the employer went out of business. This decision was made by the employer.

In answer to the second contention, the Court quoted from a controlling case, that:

> The general concept of a strike is that employees who go out on strike do not quit their employment, but ordinarily the relationship of employer and employee continues until one or the other of the parties acts to sever the relationship or they mutually act to accomplish that purpose.

In *Inter-Island Resorts, Ltd.* v. *Akahane et al. and Commissioner of Labor and Industrial Relations*, November 27, 1962 (CCH Ha-Par 8024; BSSUI LD–420, 1–37), the Supreme Court of Hawaii was faced with a similar contention. The employees went on strike in an attempt to have the employer recognize and bargain with the union. Within 1 week the employer had replaced the workers, and operations were substantially back to normal. The employer contended that each claimant in going out on strike voluntarily left his work without good cause attributable to the employer and should be disqualified from the receipt of benefits. The Court, in rejecting this contention, stated:

> Moreover, the terms "leaving work" or "left his work" as used in unemployment compensation laws refer only to a severance of the employment relation and do not include a temporary interruption in the performance of services * * *. Absence from the job is not a leaving of work where the worker intends merely a temporary interruption in the employment and not a severance of the employment relation. Such is the case of strikers who have temporarily interrupted their employment because of a labor dispute. Under the prevailing view, they have not been deemed to have terminated the employment relationship and the voluntary leaving disqualification has no application to them.

The difficulty involved in recognizing a factual situation as a labor dispute is illustrated by the case of *Taylor et al.* v. *Ritter and the Michigan E.S.C.* February 3, 1964 (CCH Mich.-Par 8997, in the Circuit Court of Wayne County, Mich.). Here, the claimants, in protest against the employer's action of hiring a former employee to supervise them and to time their operations, left work. The referee and the Appeal Board disqualified the claimants for voluntarily leaving work without good cause. The Court, in reversing the administrative decisions, stated:

> However, it is quite clear that the testimony from all sides, Appellants and Appellees, points to the fact that a labor dispute existed and no one knew how to handle it. Were the Appellants represented by a Union and had a contract, without doubt, the parties would have sat down and worked this out by collective bargaining.

In direct contrast to the above result is an Iowa case (No. 62C–3785, 62A–2134–W, October 18, 1962; CCH Ia-Par 8028.05). The claimants belonged to a union which wanted to change the terms of the existing agreement and sent employer notice to that effect. When the employer refused to go along with the suggested change, the employees stopped working. The referee found that the work was not terminated under disqualifying circumstances, and made the interesting statement that:

> The employer alleges a labor dispute as being involved herein, but the referee concludes that, while certain elements of a labor dispute are present, many other elements of such a dispute are lacking.

The Commission delved much further into the reasons for the claimants' termination of work. It stated:

> There never was any attempt to change its terms following the procedure and conditions stated in the contract * * *. It was understood that the three men had been pulled off their jobs by the union. The Commission finds that this action on the part of the union and the claimant was in direct violation of the terms of the contract then existing between the union and the employer and that these employees were just as much a party to the contract under the law as if each had signed it * * *. The claimant's leaving his job pursuant to instructions from the union for the reason that the employer would not sign this so-called Letter of Assent was a voluntary leaving of his work without good cause attributable to the employer.

Pertinent at this point is a quote from page 6 of *Principles Underlying Labor-Dispute Disqualification*, written by Marsile J. Hughes of the Illinois Division of Placement and Unemployment Compensation, and issued by the BES to State employment security agencies in July 1946. In suggesting a criterion for determining if a factual situation is a labor dispute, Mr. Hughes states:

> Does the typical labor-dispute situation existing embody two conditions, (a) that the workers are ready and willing to work on conditions which are satisfactory to them but not to the employer, and (b) that the employer is able and willing to furnish work to the workers upon terms which are satisfactory to him but not to the workers? This is probably the most important mark of a labor-dispute.

The case of *Richmond et al.* v. *Iowa E.S.C. and Needham Packing Co.* (District Court for Woodbury County, July 20, 1962; CCH Ia-Par 8023) is a leading case for the view that the voluntary leaving provision is to be applied to facts which, on their surface, may appear to indicate a labor dispute. The facts must be presented in order to permit an understanding of the reasoning applied in the case. A union steward, upon observing a foreman working on the production line, stopped the work in his section because he felt that this was a violation of the collective-bargain-

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ing agreement. The foreman told the steward that he would be fired if work was not resumed, and when the steward refused to order the men to return to work until the foreman agreed not to do production-line work, he was fired on the spot. A grievance committee, selected from among the 100 or more employees who observed the incident, met with management for the purpose of having the union steward reinstated. They were told that the discharge would stand and that disciplinary action would be taken against other employees if work was not resumed. The next day, Friday, the men did not report for work but met instead at the union meeting hall where they were given a summary report of the results of a meeting which the union officials had with management. The union officials urged the membership to agree to the offer of the company that they return to work on Saturday and that the discharge of the steward be handled through the grievance procedure. The membership voted to return to work only when the steward was reinstated. On Monday, the employer began hiring replacements. Tuesday, the union membership voted to accept the offer made by the company on Friday, but this was rejected by the company. Within a month there no longer existed a work stoppage, in that normal production had resumed.

The referee held that the claimants were disqualified under the labor dispute provision until the work stoppage at the plant ended. He stated:

> That the dispute was termed "wildcat" or "unauthorized" by the union would in no way detract from the fact there was a controversy * * *. There was a disagreement in this case, as to whether the foreman should have been working under the prevailing union-employer contract, which resulted in a series of circumstances, the end of which was that these claimants, 143 in all, more or less, remained away from work * * *. Claimants herein apparently were seeking to "arrange the terms of their employment" to correspond to their concept of the contractual provisions. As to the merits of the dispute, the statute gives no latitude to the referee to consider this matter.

The Commission, by a 2-to-1 vote, reversed the referee and disqualified the claimants for voluntarily quitting work without good cause. Their legal concept of the facts was diametrically opposed to that of the referee. Their reasoning was:

> The only dispute shown in the record in this case was between the company and Stamoulis, who had been discharged * * * The making of the grievance of the discharge of Stamoulis their own grievance did not relieve the claimants from the consequences of voluntarily leaving their work without good cause attributable to the employer, all done in flagrant violation of the duty imposed upon them not only by their union contract but as is shown in the record by their own Constitution.
>
> * * * * *
>
> The record clearly indicates that, in refusing to work and thereby forcing a shutdown of operations in the employer's plant, they were seeking only to compel the employer to reinstate Stamoulis, their fellow worker * * *. Not only was this quitting of their work by the employees a breach of their contract, but it would appear that it was designed to harass the employer, to interfere with its business, and was contrary to the standards of conduct that the employer was entitled to expect from them by virtue of the agreement which they had made with it.
>
> * * * * *
>
> This was *individual* action of the other employees who are claimants here. They are unemployed voluntarily and not by reason of being called out pursuant to collective action; that is, a "labor dispute."

The Court's affirmation of the Commission decision can be summed up in one short quote:

> The undisputed evidence here is that plaintiffs, not as a group, union or under union direction or suggestion, but individually, on May 11, 1961, left their work.

The reasoning applied by the Iowa appellate bodies rejects the criterion of Mr. Hughes and rejects also the definitions of "strike" and "labor dispute" as cited earlier. Though these decisions do not offer any substitute definitions, they imply that the distinction between a "voluntary leaving" and a "labor dispute" is the distinction between a "voluntary act" and an "involuntary act." A recent Superior Court case in Rhode Island (*Fontaine, et al.* v. *Board of Review D.E.S.*, No. 3761, June 8, 1964) deals very effectively on this point. The Board of Review stated that:

> * * * after discussion each of these claimants individually decided to quit work and to withhold their services as a means of bringing pressure on the employer to recognize their complaints.

The Court, in reversing the Board's decision to disqualify the claimants for voluntarily leaving their work, stated:

> This is no more than saying that each of eight employees acting together in a group cast her vote to quit work so the employer would be forced to recognize "their" complaints. A strike vote in a Union is taken by the voluntary decision of each member of the Union, but it is the acting in concert that makes it a group action.

The problem in recognizing a labor dispute, and applying the labor dispute provision, may lie not

in the great difficulty involved in doing just that, but rather in the bringing in of extraneous material. The cases have shown that, if the labor dispute provision is not applied, the review bodies have gone into great detail discussing the "voluntariness" of the claimants' action, or they delve into the labor dispute attempting to fix the blame on one of the parties.

With statutory provisions which were intended to cover a fact pattern, is it appropriate to disregard them and to delve into the merits of the dispute or the voluntary nature of the act?

Unemployment Insurance Decisions*

In Kind

Arkansas.—The claimant had not reported earnings of $10 although a homeowner had signed a statement that he had paid him $10 for cutting a tree in his front yard. The claimant and two individuals had cut the tree. The homeowner had paid $10 to have it cut and hauled away. The entire $10 went to the two individuals who helped him cut the tree, one of whom had a truck which hauled the wood to the claimant's home. Since the claimant received wood but no money he reported no earnings. The appeals referee found that the $10 was paid to the claimant. Regardless of what the claimant did with the $10, it was remuneration for services performed and should have been reported. Since the claimant had answered "No" to the question: "Did you work any during the above week?" he was held to have knowingly withheld a material fact in regard to earnings and to working during the week. (Appeal No. 64–AT–1026, affirmed by Board of Review Appeal No. 64–BR–263, July 23, 1964.)

Misdirected Video

California.—A television production director's discharge because he produced and authorized a controversial commercial was held not to be misconduct connected with work. As production director, he exercised considerable discretion in the production of commercial material. The incident in question involved a local actor playing the role of a witness in a Washington, D.C., hearing who commented on the sponsor's products. The commercial was introduced with a slide indicating that the program would be interrupted in order to take the viewers to Washington, D.C., for the hearing. After the sponsor received telephone calls from complaining viewers and, in turn, complained to the claimant's employer, the producer was discharged. The employer contended in particular that the commercial violated the Code of Ethics of the National Association of Broadcasters, a section of which indicates that fictional or nonnews material should not give the false impression that dramatized material constitutes news. The California Board of Review noted that as a director he had to make many decisions about program content each day, that any violation of the code was marginal in nature, and that there was no intentional violation but rather an isolated error in judgment which was not misconduct. (Appeal Board Decision No. 64–2819, September 23, 1964.)

Medical History

Connecticut.—After his employer for 23 years terminated operations, the claimant worked for a manufacturing company from June 2 until July 23, 1964. Although he had indicated no medical history on his employment application, the doctor's examination disclosed that he had been troubled with epileptic seizures. The company did not discharge the claimant but indicated that his continued employment would require a waiver of responsibility for any injury he might suffer as a direct result of a seizure. The claimant elected not to sign a waiver. A commissioner's decision reversed the agency's determination allowing benefits without disqualification. The commissioner noted that the claimant refused to sign the waiver without seeking legal advice or advice from the workmen's compensation commissioner as he had been requested to do by the employer and that he had later signed such a waiver when becoming employed by a subsequent employer. The commissioner further stated that, under the circumstances, "the claimant's failure to sign the workmen's compensation waiver and thus comply with a reasonable requirement of employment was voluntary leaving of the work under the conditions as they were presented at the time of the offer of that particular document." (Commissioner's Decision Case No. 843–D–64, September 30, 1964.)

Mack Sennett

District of Columbia.—A baker was held to have been discharged for misconduct connected with his work when the manager and assistant manager established that a houseman, who had gone to the kitchen to obtain some hot sauce for the employer's dining room, was struck and knocked to the floor by a peach pie thrown by the claimant. (Dist. of Col. UC Board Appeal No. 16147–UI, August 31, 1964.)

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Permanent Visa Denied Claimant

Florida.—When the claimant accepted employment in Costa Rica, the employer had agreed that the latter would be responsible for obtaining a permanent visa for the claimant as a means of enabling him to work in that country for 6 or more months. The claimant had obtained a tourist visa which would permit him to remain in the country 90 days but, prior to its expiration, he was notified that he would have to leave or that he could remain but would not be allowed to work. As claimant could not stay without an income, he had to leave Costa Rica. The appeals referee concluded that the fact that the employer was unable to persuade government officials to grant the claimant a permanent visa and permit him to work in the country was a circumstance beyond the claimant's control. The claimant wanted to work and would have completed his contract of employment if he had been allowed to do so. He did not voluntarily leave his employment without good cause attributable to his employer. (Decision No. 64–3597–U, October 13, 1964.)

Trends in the Economy*

MANY major economic indicators showed continued vigor during October. However, a labor dispute in the auto industry, which closed most plants of a major producer for almost the entire month, resulted in declines from September in the industrial production index, the retail sales volume, and new orders for and shipments of durable goods. Steel production was little affected by this dispute, as October output set a new high for the month—marking the fourth consecutive monthly record. Personal income continued its uptrend, rising to a record in October. Construction spending eased during the month, primarily as a result of a continued decline in home building outlays. Total employment rose seasonally by 300,000 in October to 71.1 million, with all of the upswing taking place in the nonfarm sector. Unemployment, at 3.3 million, was little changed from September.

Business Activity

The *industrial production index* fell sharply between September and October. At 131.7 percent (seasonally adjusted) of the 1957–59 average, the October index was well below the revised September figure of 134.0 percent—the series high. The drop—the first in over a year—was due mainly to a substantial decline in auto output as a work stoppage lowered the auto production index to 83 percent from September's 146 percent. The manufacturing index fell from 134.7 to 132.1 percent over the month, and the durable goods production index dropped from 135.1 to 130.4 percent. Nondurable goods output edged up by 0.2 percent to 134.2 percent; mining activity slowed by about 1 percent during the month to 111.7; while utilities volume rose from 155.0 to 156.0 percent. The October index of industrial production, despite the strike, was well above the 126.1 percent of a year ago.

The *steel industry* continues as one of the strongest areas in the Nation's economy. Demand from most steel consumers—especially automakers and the construction industry—has been heavy during 1964, and it appears that overall demand will not be reduced significantly during the final months of the year. The 11.5 million tons of steel produced in October set a postwar record for the month, as did output in July, August, and September. Through the January–October period of 1964, a total of 104.8 million tons were produced—13 percent above the tonnage in the comparable 1963 period. Since steel producers have a substantial backlog of orders, output in 1964 is expected to exceed 125 million tons—surpassing the previous record of 117 million tons set in 1955.

Automobile makers in October produced 411,000 units—well below the 572,800 cars turned out in the previous month and the 799,000 produced in October a year earlier. Mainly responsible for the lowered output was the labor dispute which closed most plants of a major producer. Although out-

*Prepared in the Office of Program Reports and Research, Administration and Management Service, Bureau of Employment Security.

put was resumed in most of these plants in early November, production continued to be affected by the residual effects of that dispute and labor disputes at another major auto manufacturer. A total of 6.2 million cars were built in the first 10 months of 1964, some 46,000 more than in the comparable period of 1963.

New orders for durable goods fell by 5 percent over the month to a seasonally adjusted October total of $19.0 billion. The decline was primarily the result of the labor dispute in the auto industry. Offsetting, in part, the effects of the strike was a strong pickup in new orders in the aircraft industry, which reflected an October advance of 5 percent in Government defense contracting. New orders for primary metals eased to $3.7 billion in October from $3.8 billion in the previous month, while new orders for machinery slipped to $5.4 billion from the $5.5 billion in September. New orders for durable goods, despite the over-the-month drop, were $400 million above the $18.6 billion figure for October 1963. The record figure is $21.3 billion—set in July of this year.

A decline in *factory shipments of durable goods* was also the result of the auto strike; October shipments at $18.3 billion (seasonally adjusted) were some 5 percent less than the $19.3 billion of September. Shipments in the transportation equipment industry dropped by $1 billion to $4 billion. Shipments of other durable goods edged up to $14.4 billion from $14.3 billion in September.

The *backlog of unfilled orders* in the durable goods sector rose to a seasonally adjusted total of $52.9 billion in October, or some $700 million above the previous month. The backlog of steel orders amounted to $4 billion, up by 10 percent from September and well above that in October 1963.

Personal income rose to a new record in October, moving up by $700 million to a seasonally adjusted annual rate of $498.6 billion. The September–October rise—the smallest monthly gain so far this year—placed the current rate some $27.4 billion above that of October 1963. A sharp decline in transportation equipment industry payrolls was responsible for the lowered rate of increase; in addition, some declines were noted in disbursements in the auto-related metals industries. However, higher payrolls in distribution and service industries and in some phases of government were more than sufficient to offset the auto industry drop.

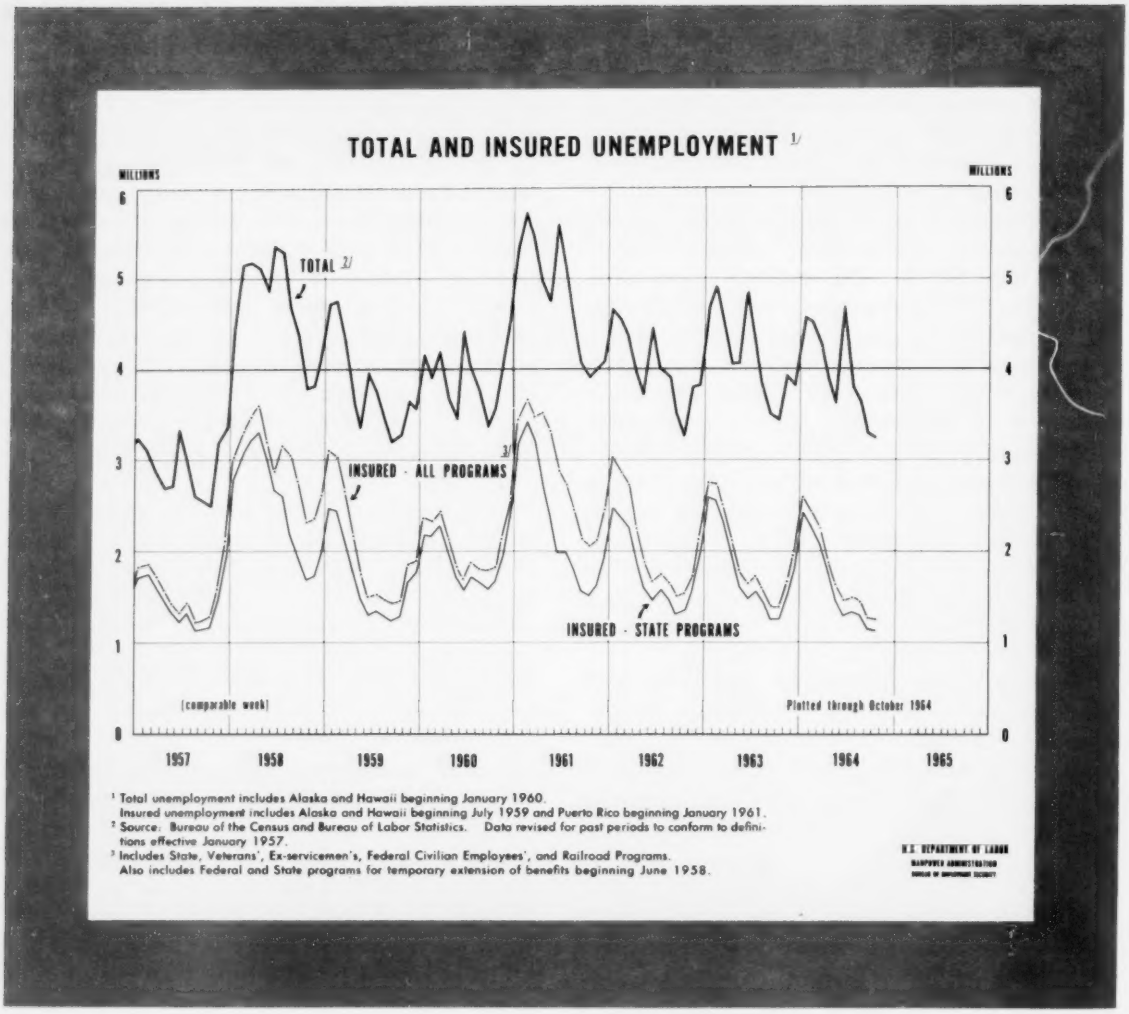
Retail sales fell by 3 percent in October to a seasonally adjusted volume of $21.5 billion. The reduction was due to lowered automobile sales resulting from the recent labor dispute. Auto sales generally rise substantially in October as new models become available, but this October, sales of 566,000 autos (unadjusted) were 1 percent less than in September and 27 percent below a year earlier. Total durable goods sales fell by 13 percent over the month to $6.4 billion (seasonally adjusted), 7 percent below October 1963. Sales of nondurable goods, at $15.1 billion, were up by 2 percent from the previous month's figure and by 10 percent over the year. The October total retail sales volume was 4 percent greater than in October 1963. The retail sales record—$22.3 billion—was set in August 1964.

At a seasonally adjusted annual rate of $65.5 billion, *construction spending* in October was down slightly from the revised September figures of $66.3 billion, but exceeded the $65.0 billion rate of October 1963. In every month of 1964, the spending rate has been above that in the comparable 1963 month, but the gap has been narrowing and this October the year-to-year increase was the smallest thus far in 1964.

Actual construction outlays (unadjusted) in October were put at $6.1 billion, almost unchanged over the month and over the year. Private construction outlays totaling $4.1 billion were off by 2 percent from September, largely as the result of the continuing decline in nonfarm housing. Nonfarm housing outlays in October amounted to $2.3 billion—down 4 percent from both the previous month and the year earlier figure. Construction spending rose, on the other hand, in the industrial, commercial, and public utilities sectors. Public construction outlays moved up by 1 percent in October to $2.0 billion, some 3 percent above October 1963.

For the first 10 months of 1964, construction outlays totaled $54.8 billion—7 percent above construction spending in the comparable period of 1963.

The *consumer price index* for September, at 108.4 percent (1957–59=100), was 0.2 percent higher than in August and 1.2 percent above September 1963. During the month, prices of food, housing, and apparel rose slightly, while new and used car prices showed decreases. The rise in prices between June and September 1964 was the smallest for the period since 1960.



Employment

Total civilian employment moved up seasonally by 300,000 in October to 71.1 million; the increase placed employment some 1.2 million above that in October a year ago. The over-the-month pick-up was confined entirely to the nonfarm sector, in which employment rose to nearly 66.0 million in October—almost 1.5 million higher than October 1963. Farm employment moved down seasonally by 100,000 to 5.1 million—some 200,000 less than a year ago. The number of nonfarm workers on part time for economic reasons declined by 100,000 to 1.9 million—the lowest October volume since 1956.

Unemployment

Total unemployment, at 3.3 million in October, was little changed from September, but was 200,000 less than October a year ago. The rate of unemployment (seasonally adjusted), at 5.2 percent, was also unchanged from the previous month; it was 5.6 percent a year earlier. Within the major sectors, rates of joblessness showed only minor over-the-month changes. Compared with October 1963, the unemployment rate for adult men, at 4.0 percent this October, showed only slight improvement, but the rate for adult women declined from 5.5 percent to 5.0 percent, and for teenagers dropped from 15.7 percent to 14.4 percent.

Unemployment insured under State programs averaged 1.1 million per week in October, virtually unchanged from the previous month's average but well below the 1.3 million of October 1963. During the month, seasonal cutbacks in employment were reported in the apparel, construction, and food processing industries; in addition, increased joblessness occurred in some of the auto-related industries as a result of secondary effects of the auto strike. During October, limited employment gains took place among primary metals and machinery workers.

The strength of the Nation's economy, characterized by the current business expansion has also been reflected in substantial over-the-year declines in unemployment insured under State programs. The high levels of output and employment in heavy industry, especially in primary metals, fabricated metals, and machinery, have been responsible for much of the decline in insured unemployment. In addition, the long-term upward trend in trade and service employment reduced joblessness among workers from those industries.

On a regional basis (Census Bureau divisions) insured unemployment declined over the year in all but the Pacific and Mountain regions. The most substantial declines occurred in the more heavily industrialized areas; the largest drop in the weekly average of insured unemployment, 78,900 to a total of 308,300, took place in the Middle Atlantic region (New Jersey, New York, and Pennsylvania). Pennsylvania accounted for a large proportion of this over-the-year drop, with joblessness among primary metals workers considerably less than a year earlier. All States of this region had less unemployment among trade and service industry workers.

Insured joblessness in the East North Central region (Illinois, Indiana, Michigan, Ohio, and Wisconsin) was down by some 45,400 over the year to a weekly October average of 140,800. Within this region, less joblessness was noted among workers from the primary metals, machinery, and fabricated metals industries. In addition, most States in this region reported substantial declines in the number of insured unemployed from trade and service industries.

The only significant over-the-year rise in insured unemployment took place in the Pacific region (Alaska, California, Hawaii, Oregon, and Washington) as increased joblessness in California more than offset declines in the other States of this region. In California, insured unemployment was higher than a year earlier in the construction, trade, and manufacturing industries.

Insured Unemployment Activity*

STATE insured unemployment reached its low point for the year during the first week in October, inched up during the middle part of the month, then declined slightly in the last week. The average weekly volume for October, at 1,138,200, was 12,900 above September, but was 194,700 below a year earlier. The seasonally adjusted level of insured unemployment was unchanged from September, at 1.5 million, but was below the October 1963 figure of 1.8 million.

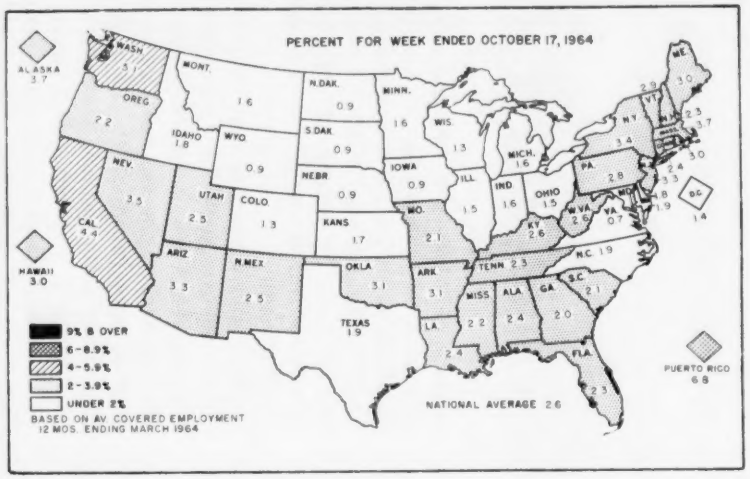
Insured unemployment under the unemployment compensation program for Federal workers (UCFE) moved up during October to a weekly average of 25,000—about 900 above the preceding month but 13 percent below the year earlier level. The number of jobless ex-servicemen covered by the UCX program declined by 1,100 from September to a weekly average of 35,300 in October. Compared with a year ago, the volume was down by 17 percent.

Nationally, the rate of State insured unemployment (not seasonally adjusted) edged up from 2.5 percent in September to 2.6 percent in October. A year earlier, the rate was 3.1 percent. The highest rates (unadjusted) this month were reported by Puerto Rico (6.7 percent), Washington (5.2 percent), California (4.4 percent), Alaska (4.1 percent), Massachusetts (3.6 percent), Nevada (3.5 percent), and New York (3.4 percent).

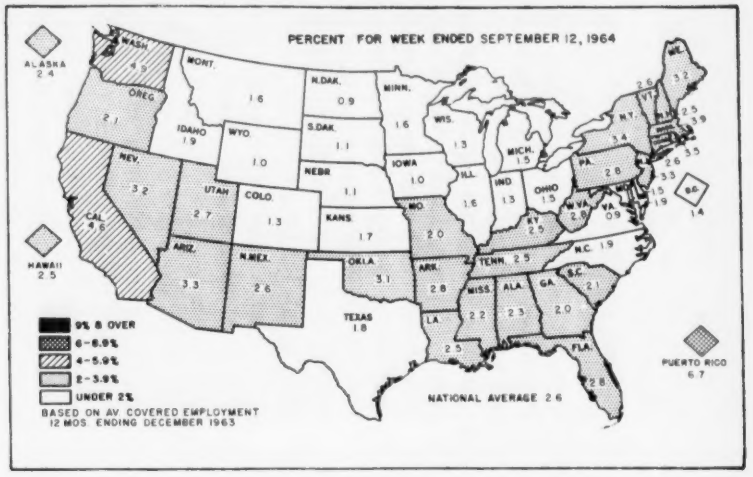
*Prepared in the Office of Program Reports and Research, Administration and Management Service, Bureau of Employment Security.

STATE INSURED UNEMPLOYMENT AS PERCENT OF AVERAGE COVERED EMPLOYMENT

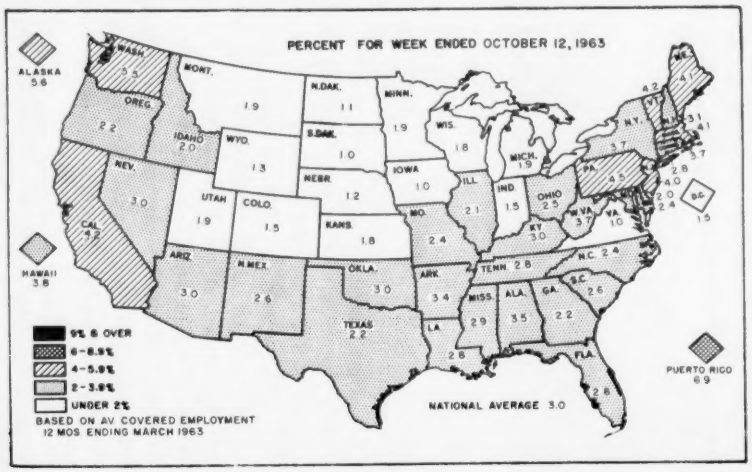
LATEST MONTH



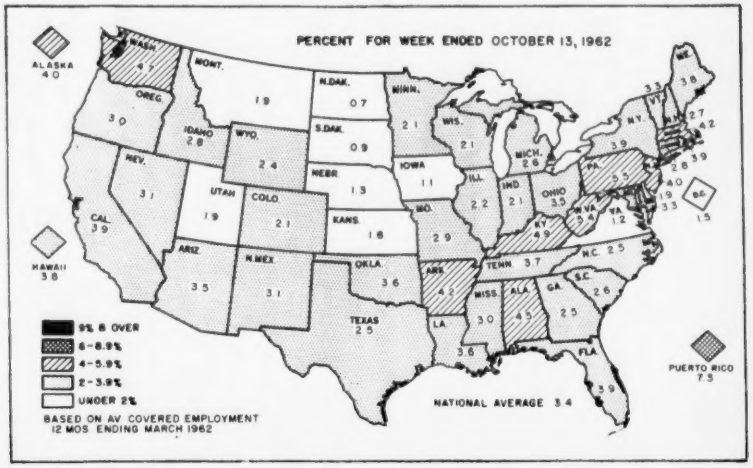
PREVIOUS MONTH



ONE YEAR AGO



TWO YEARS AGO

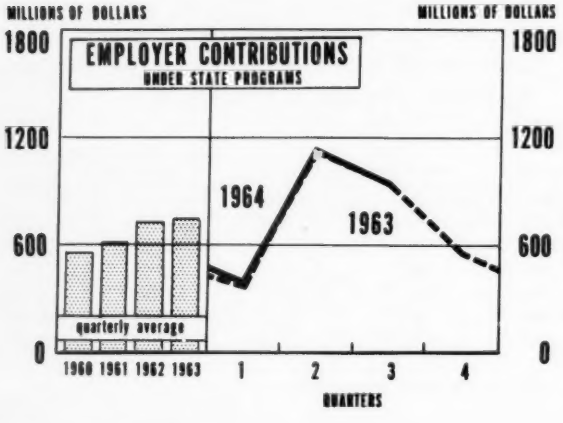


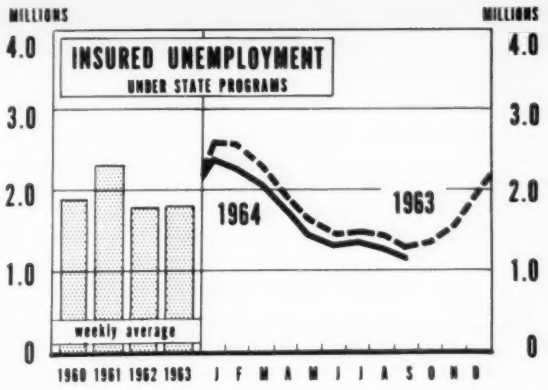
Thirty-two States and the District of Columbia had rates below the national average (including Illinois, Indiana, Michigan, Ohio, Texas, and Wisconsin).

Changes in Insured Jobless Volume Small in Most States

Changes in the volume of insured unemployment between September and October were small in most States. Insured joblessness rose in 35 States, with the largest increases occurring in New York (6,200), Indiana (4,200), and Michigan (4,100). The rise in each of these three States was influenced largely by the labor dispute in the auto industry. Puerto Rico and Florida reported the most sizable declines—9,700 and 4,100, respectively.

New York's volume of insured unemployment rose by 3.7 percent from September—about seasonal for this time of year. Most of the rise was in manufacturing—mainly reflecting increased joblessness in transportation equipment, electrical machinery, and apparel manufacturing. However, there were some employment gains in printing and publishing and metals plants. In nonmanufacturing, the most sizable increases in insured joblessness occurred among workers from the construction industry. Compared with a year earlier, the State's insured unemployment total was down by some 17,000, largely reflecting decreased unemployment in the metals, leather, machinery, and public utilities industries. Some increases in unemployment were experienced among construction and service workers.





Insured unemployment in *Indiana*, at 18,500 for October, was up by 29.7 percent from September. This rise, considerably more than usual for the time of year, reflected increased unemployment in the electrical machinery and transportation equipment industries. From a year earlier, the volume of insured joblessness was virtually unchanged.

In *Michigan*, insured unemployment—which usually declines about 7 percent between September and October—rose by 15.8 percent. Over the year, insured joblessness was down by 9.4 percent. Most of this decline was attributed to less unemployment among workers from the primary and fabricated metals, trade, and service industries.

The September–October decrease in *Puerto Rico* was due primarily to less seasonal unemployment among sugarcane workers, and the drop in insured unemployment in *Florida* resulted from seasonal hirings in citrus-fruit-processing plants and a pickup in trade.

In addition to the year-to-year decline in New York, the level of insured unemployment this October was substantially below a year earlier in *Pennsylvania*, *Ohio*, and *Illinois*. In Pennsylvania, the major part of the 49,900 drop from the October 1963 level was attributed to less insured unemployment in manufacturing industries. More than half of the 22,700 decline in Ohio was among factory workers who had been recalled to jobs at primary metals and electrical machinery plants. In Illinois, the 15,500 decrease from October 1963 was influenced by sizable declines in insured unemployment among workers from metals, trade, and service industries.

Week ended—	Initial claims [1]		Insured unemployment [1]	
	1964	1963	1964	1963
Sept. 5	195, 700	214, 900	1, 128, 500	1, 337, 400
Sept. 12	171, 000	225, 200	1, 153, 000	1, 290, 300
Sept. 19	201, 000	238, 400	1, 118, 200	1, 283, 100
Sept. 26	199, 600	222, 700	1, 113, 300	1, 276, 800
Oct. 3	212, 200	249, 400	1, 106, 400	1, 286, 700
Oct. 10	237, 100	252, 500	1, 112, 300	1, 306, 500
Oct. 17	202, 800	247, 100	1, 136, 200	1, 325, 800
Oct. 24	228, 300	258, 500	1, 159, 300	1, 358, 800
Oct. 31	234, 800	273, 200	1, 157, 800	1, 513, 600
Weekly averages				
September	194, 400	226, 500	1, 125, 300	1, 296, 400
October	224, 500	255, 700	[2] 1, 138, 200	1, 332, 900

[1] Refers to State programs only. [2] Average through week ended Oct. 31, 1964.

Initial Claims Rise Seasonally

Under State programs, initial claims in October averaged 224,500 per week—about 15 percent above September but 12 percent below October 1963. The rise from September, which was about seasonal, resulted primarily from layoffs in the construction, apparel, and food-processing industries. In addition, the secondary effects of a labor dispute in the auto industry and the availability of a new quarter's wage credits contributed to the higher volume. For the first 10 months of 1964, initial claims averaged 27,000 less per month than for the comparable 1963 period. Under the UCX program, initial claims averaged 5,850 per week this October—some 300 less than in September. Jobless Federal workers filed an average of 2,800 claims per week—about 450 more than in the preceding month.

Claimant Exhaustions Decline

About 86,500 claimants under State programs exhausted their benefit rights in October. This represented a drop of 5 percent from the preceding month but 21 percent below the year earlier figure. Exhaustees this October accounted for about one out of every nine persons who dropped out of State unemployment insurance programs during the month. The remaining dropouts possibly were recalled to work, found new jobs, or had left the labor force; some may have been disqualified from the receipt of benefits.

Benefit Payments Decline Further in September

Benefits paid out under all regular unemployment insurance programs (including the railroad program) totaled $164.1 million in September, compared with $180 million in August and $190 million in September 1963. Of the September 1964 total, $148.4 million was paid out under State programs—$16.1 million below the August amount. Under the railroad program, benefits amounted to some $5.6 million, while under the two Federal programs (UCFE and UCX), an aggregate of $10.1 million was paid out to claimants.

For totally jobless workers, the average weekly benefit check amounted to $35.40 in September—20 cents less than in August but 47 cents above the September 1963 figure. In four States—California, Colorado, Hawaii, and Wisconsin—the average check amounted to more than $40; it was less than $25 in Maine, Mississippi, North Carolina, West Virginia, and Puerto Rico.

Activity [1]	Number or amount	Percent change from—		January—September cumulative (in thousands)	
	September 1964	August 1964	September 1963	1964	1963
Initial claims [2]	858, 300	−8. 4	−10. 3	10, 168	11, 246
Weeks claimed [2]	5, 082, 200	−8. 0	−7. 5	66, 075	73, 600
Insured unemployment (weekly average) [2]	1, 125, 300	−10. 7	−10. 8	1, 686	1, 887
Beneficiaries (weekly average)	942, 800	−13. 1	−14. 8	1, 465	1, 636
Benefits paid [3]	$148, 422, 600	−9. 8	−9. 0	$2, 021, 383	$2, 204, 666
Claimant exhaustions	91, 000	−4. 7	−11. 2	1, 100	1, 246

[1] Data relate to State programs only.
[2] Includes agent State claims taken by the Virgin Islands; also includes data under Puerto Rico sugarcane program.
[3] Monthly data represent gross amount; cumulative data represent net amounts.

Approximately 9.3 percent of the insured unemployed under State programs received benefits for partial unemployment in September, compared with 7.7 percent in August. The proportion receiving weekly checks for partial joblessness ranged from 1.9 percent in Connecticut to 17.8 percent in Maine, 18.2 percent in South Dakota, and 23.4 percent in North Dakota. The average weekly benefit amount for partial unemployment, at $21.49 in September, was 60 cents less than in August.

SELECTED UNEMPLOYMENT INSURANCE STATISTICS, STATE PROGRAMS, SEPTEMBER 1964

State	Initial claims received 1/ 2/	Weeks claimed 2/	Number of insured unemployed (weekly average) 3/	Number of beneficiaries (weekly average) 3/	Average weekly payments for total unemployment	Number of final payments 4/	Benefits paid 5/	12 months ending Sept. 30, 1964 (in thousands)		Funds available Sept. 30, 196 7/ (in thousands)
								Benefits paid 6/	Collections and interest	
Total, 52 States	8/6 858 329	8/5 082 167	8/1 125 665	942 845	$35.40	90 965	$1 484 22565	$2 591 385	$3 245 380	$7 260 166
Alabama	8 473	61 037	12 773	10 412	25 68	1 270	1 155 414	20 475	38 173	80 959
Alaska	941	3 507	833	746	33 25	75	107 929	5 829	8 251	10/ 9 040
Arizona	7 652	39 506	8 786	7 127	36 14	626	1 124 349	13 201	14 994	67 186
Arkansas	6 530	39 572	8 643	6 262	26 10	713	698 513	12 746	13 836	29 999
California	139 899	805 614	181 597	157 347	43 86	15 724	36 833 045	9/ 497 725	525 439	677 309
Colorado	4 560	20 236	4 533	3 485	43 23	322	641 936	12 761	19 693	56 276
Connecticut	13 720	92 617	20 436	19 619	36 84	2 458	3 117 456	47 929	57 092	178 228
Delaware	1 629	9 303	2 019	2 012	36 38	191	312 872	7 727	10 594	18 369
Dist. of Col.	2 323	19 144	4 231	4 348	37 67	364	716 492	10 251	9 573	63 387
Florida	16 495	124 384	27 231	22 934	26 67	3 687	2 651 462	24 988	45 902	152 799
Georgia	10 723	68 255	15 450	11 449	26 31	1 606	1 357 033	20 244	37 011	169 434
Hawaii	2 855	18 568	4 351	3 494	40 01	226	586 044	8 405	11 488	18 445
Idaho	1 802	11 337	2 376	1 765	33 23	31	243 342	8 554	9 289	27 111
Illinois	29 749	186 318	41 773	37 624	36 60	4 936	5 864 313	122 222	180 003	476 132
Indiana	12 299	67 911	14 273	12 470	30 70	1 894	1 603 548	36 454	48 861	160 140
Iowa	3 116	19 327	4 222	3 632	29 37	398	442 156	10 419	14 355	110 595
Kansas	4 917	27 082	5 980	5 400	37 07	533	859 099	16 115	16 631	62 182
Kentucky	7 670	53 258	11 914	9 877	31 89	1 238	1 307 208	26 027	30 817	108 957
Louisiana	9 820	62 331	13 703	13 070	30 29	1 350	1 677 160	25 859	35 881	110 798
Maine	4 478	28 116	6 308	5 198	24 34	275	509 938	9 787	12 810	29 242
Maryland	10 628	62 273	14 216	13 142	34 29	1 066	1 910 973	35 956	70 023	149 968
Massachusetts	44 113	255 723	58 036	52 101	38 38	4 807	8 093 272	136 534	136 923	199 427
Michigan	22 052	149 052	26 167	27 310	37 23	2 253	4 374 009	80 383	190 913	10/ 398 203
Minnesota	7 166	53 217	11 887	10 411	29 04	1 334	1 301 720	37 900	29 971	23 453
Mississippi	4 983	29 873	6 509	5 365	24 13	637	538 667	12 146	20 348	46 503
Missouri	19 548	89 506	18 852	15 058	32 75	1 341	1 989 058	37 936	49 872	217 134
Montana	1 639	8 294	1 771	1 511	30 43	203	208 045	7 303	5 846	19 800
Nebraska	1 847	10 801	2 353	2 236	31 99	286	307 767	9 042	10 541	41 307
Nevada	3 743	16 065	3 730	3 519	39 05	317	594 334	9 567	13 486	28 827
New Hampshire	3 427	16 535	3 693	2 874	31 85	145	368 764	7 317	8 108	25 289
New Jersey	41 613	235 356	52 254	51 170	39 38	5 552	8 548 947	157 534	141 770	295 237
New Mexico	3 934	19 414	4 064	3 501	29 77	320	447 883	8 011	7 728	35 133
New York	158 903	750 466	168 593	150 514	38 97	11 094	24 240 575	416 400	481 221	1 214 817
North Carolina	17 623	91 715	19 318	18 167	24 03	1 486	1 843 764	36 140	50 598	210 800
North Dakota	1 738	8 202	1 623	1 556	35 27	164	204 047	5 677	5 271	6 732
Ohio	25 659	168 386	36 162	30 162	37 01	2 746	4 810 178	119 639	195 622	205 383
Oklahoma	7 081	52 802	11 861	8 420	26 52	800	964 727	15 334	20 075	43 943
Oregon	8 735	38 337	8 549	6 306	34 49	561	931 555	24 779	39 726	82 154
Pennsylvania	67 264	360 967	81 365	73 272	29 63	5 240	8 730 894	195 459	282 395	10/ 244 143
Puerto Rico	8/ 20 392	8/ 296 003	8/ 68 396	13 207	17 60	2 007	1 055 379	9/ 14 545	19 716	52 121
Rhode Island	7 387	37 260	7 941	7 406	30 96	619	951 804	15 514	21 773	46 260
South Carolina	7 377	42 866	9 627	8 130	27 76	1 102	975 066	15 686	21 124	84 920
South Dakota	517	3 611	793	723	29 60	105	86 546	3 497	2 865	14 714
Tennessee	8 682	74 491	16 620	13 587	27 08	1 492	1 567 794	29 301	41 295	82 708
Texas	24 669	160 228	35 017	29 922	29 36	4 474	3 783 413	59 101	61 413	237 120
Utah	3 831	25 576	5 432	4 530	37 34	362	733 774	11 889	10 806	38 432
Vermont	1 636	8 921	1 977	1 646	32 97	172	227 231	9/ 6 287	4 486	6 463
Virginia	5 370	30 093	6 487	4 974	28 43	718	612 437	13 704	27 565	132 878
Washington	23 899	136 653	30 901	27 211	32 04	3	3 796 898	63 814	59 794	204 056
West Virginia	5 165	37 564	8 384	6 874	23 81	655	699 201	15 312	18 950	58 810
Wisconsin	8 662	53 812	11 610	10 288	40 06	11/ 1 040	1 761 167	49 024	48 062	196 394
Wyoming	591	2 886	623	488	36 19	47	74 365	2 938	6 407	7 508

1/ Excludes transitional claims.

2/ Total includes claims taken as agent State by the Virgin Islands.

3/ Weekly data are adjusted for split weeks in the month on the basis of a 5-day workweek.

4/ A final payment is the payment for the last week of compensable unemployment in a benefit year, and indicates the exhaustion of benefit rights by a claimant for that benefit year. Because of the time lapse between the actual week in which the unemployment occurs and the date on which final payment is made the monthly total includes some claimants who exhausted their rights in the preceding month but received their final payment in the reported month, and excludes some claimants who exhausted their rights in the reported month but will not receive their final payments until the succeeding month. Workers who exhaust their rights may be entitled to additional benefits when the following benefit year begins. The number of exhaustions is not indicative of the number who are still unemployed as some will have obtained employment and others may have withdrawn from the labor force.

5/ Unadjusted for voided benefit checks and transfers under interstate combined-wage plan. Includes $6,943,647 in payments under extended duration provisions of State laws in two States: California, $6,900,264, and Puerto Rico, $43,383.

6/ Adjusted for voided benefit checks and transfers under interstate combined-wage plan.

7/ Includes amount credited to States' accounts in the unemployment trust fund, less withdrawals by the States, under the provisions of the Employment Security Administrative Financing Act of 1954.

8/ Includes data under the program for Puerto Rico's sugarcane workers.

9/ Includes payments made under State temporary extended benefit provisions.

10/ Funds available reflect an advance from Federal account in Unemployment Insurance Trust Fund to: Alaska, $2,630,000 in January 1957, $2,635,000 in February 1958, $3,000,000 in July 1958, and $500,000 in January 1960; Michigan $113,000,000 in September 1958; Pennsylvania $96,440,000 in April 1959, $1,504,000 in May 1960, $4,056,000 in July 1960, $7,400,000 in March 1961, $1,800,000 in May 1961, and $800,000 in August 1961.

11/ Represents data on a "per employer" basis and is not strictly comparable with data for other States.

SELECTED UNEMPLOYMENT INSURANCE STATISTICS, FEDERAL PROGRAMS,[1] SEPTEMBER 1964

State	UCFE					UCX				
	Initial claims received [2]	Weeks claimed	Number of beneficiaries (weekly average)	Benefits paid [3]	Average weekly payments for all unemployment [4]	Initial claims received [2]	Weeks claimed	Number of beneficiaries (weekly average)	Benefits paid [3]	Average weekly payments for all unemployment [4]
Total, 53 States	10,439	108,255	23,384	$4,177,961	$37.64	24,754	168,842	36,240	$5,888,309	$35.85
Alabama	191	1,987	369	46,044	28.35	472	3,651	718	96,132	30.45
Alaska	78	783	193	30,479	35.86	26	174	32	5,416	38.14
Arizona	210	1,772	361	58,852	37.08	362	1,991	396	65,846	37.78
Arkansas	103	916	158	18,540	26.64	200	1,566	280	37,595	30.52
California	1,490	19,376	4,230	1,198,218	47.99	3,789	27,339	6,150	1,299,976	41.75
Colorado	81	481	70	11,863	38.64	244	1,403	268	46,793	39.62
Connecticut	69	648	132	22,520	38.76	260	1,504	284	44,521	35.65
Delaware	21	143	25	4,612	42.31	44	259	65	11,770	41.30
Dist. of Col.	236	3,986	1,137	220,941	44.16	143	892	212	35,772	39.38
Florida	221	1,832	259	34,445	30.27	775	4,623	939	130,469	31.58
Georgia	254	2,467	466	65,698	32.06	333	2,482	526	76,787	33.17
Hawaii	100	1,131	326	62,770	43.71	102	797	192	37,544	44.48
Idaho	71	345	48	6,818	32.16	67	356	65	10,156	35.51
Illinois	441	3,960	835	128,039	34.84	786	4,015	830	126,865	34.73
Indiana	73	700	136	19,176	31.96	408	2,171	413	57,737	31.81
Iowa	31	207	43	5,434	28.45	173	835	176	22,854	29.57
Kansas	76	555	119	20,228	38.60	177	1,123	255	43,363	38.72
Kentucky	118	1,687	355	53,369	34.15	439	4,215	990	155,260	35.63
Louisiana	132	1,575	326	45,813	31.90	381	2,824	621	92,399	33.81
Maine	46	365	67	6,856	23.40	105	612	121	16,944	31.73
Maryland	172	1,049	227	34,637	34.64	402	1,769	398	63,200	36.07
Massachusetts	348	6,171	1,494	292,919	44.55	592	4,861	1,193	207,749	39.59
Michigan	249	1,607	315	46,615	33.58	946	6,138	1,262	177,946	32.05
Minnesota	83	1,146	290	32,222	25.27	376	3,561	802	123,592	35.04
Mississippi	111	921	177	17,838	22.87	129	851	173	21,888	28.76
Missouri	219	2,194	424	57,930	31.06	448	2,759	612	90,855	33.76
Montana	47	406	87	12,178	31.96	63	353	66	9,226	31.70
Nebraska	38	345	103	14,975	33.13	64	342	91	13,511	33.86
Nevada	51	287	58	9,692	38.31	98	353	86	14,424	38.06
New Hampshire	84	544	195	36,727	42.76	98	472	109	20,076	41.74
New Jersey	401	2,510	470	88,053	42.54	903	5,019	1,206	216,624	40.83
New Mexico	196	1,640	332	44,530	30.52	264	1,397	281	40,250	32.51
New York	999	8,720	1,715	297,155	39.37	2,001	10,845	2,178	329,440	34.38
North Carolina	179	1,411	310	35,199	25.84	370	2,467	542	77,498	32.48
North Dakota	21	193	34	5,037	33.81	42	329	66	10,012	34.52
Ohio	200	2,567	644	105,931	37.39	1,174	8,211	1,560	243,234	35.44
Oklahoma	114	2,068	403	47,986	27.08	246	2,715	509	66,694	29.76
Oregon	127	797	150	23,095	35.05	357	1,548	325	54,940	38.47
Pennsylvania	512	7,160	1,615	218,971	30.82	2,027	13,541	2,877	434,263	34.30
Puerto Rico	59	1,081	250	36,243	32.98	241	5,323	1,215	182,811	34.18
Rhode Island	38	553	117	18,057	35.06	140	898	198	28,950	33.31
South Carolina	129	1,067	213	29,785	31.82	210	1,415	306	45,613	33.86
South Dakota	36	310	96	12,798	30.33	58	251	58	7,872	31.11
Tennessee	245	2,064	364	51,529	32.15	461	4,433	886	123,205	31.60
Texas	452	5,139	1,206	172,113	32.43	1,097	8,725	2,075	313,524	34.33
Utah	200	2,004	416	67,938	37.12	141	1,288	259	38,424	33.71
Vermont	11	137	25	4,232	38.83	73	335	67	10,818	36.80
Virginia	178	1,560	276	40,861	33.66	281	1,812	318	46,831	33.45
Virgin Islands	15	59	8	1,131	32.31	1	9	3	374	34.00
Washington	662	5,168	1,438	223,187	35.27	1,248	7,024	1,497	243,123	36.92
West Virginia	55	473	95	8,978	21.48	467	3,873	844	111,431	30.01
Wisconsin	146	808	149	25,475	35.84	432	2,984	626	102,789	37.34
Wyoming	20	180	33	5,229	35.57	18	109	21	2,923	32.19

1/ The programs for Federal civilian employees (UCFE) and for ex-servicemen (UCX), established under Title XV of the Social Security Act, became effective January 1, 1955, and October 27, 1958, respectively. Data exclude information on claims filed jointly with State unemployment insurance programs.

2/ Includes transitional claims.

3/ Unadjusted for voided benefit checks and transfers under interstate combined-wage plan. UCFE includes $304,937 in payments under extended duration provisions of State laws in California. UCX includes $170,099 in payments under extended duration provisions of State laws in California.

4/ Includes data for total, part-total, and partial unemployment. Separate data for total unemployment are not available.

INCOME-MAINTENANCE PROGRAM OPERATIONS

All Programs

	1964		1963	
	August	July	August	July
Total Public Income-Maintenance Payments (millions)	$2,924	$2,945	$2,810	$2,806
Old-age, survivors, and disability insurance	1,360	1,353	1,297	1,292
Railroad and public employee retirement	1/441	1/439	1/409	1/406
Unemployment insurance, temporary disability insurance, workmen's compensation, training benefits (ARA and MDTA)	2/369	2/386	2/385	2/390
Veterans' compensation and pension programs	332	343	329	329
Public assistance	422	423	391	390
Old-Age, Survivors, and Disability Insurance				
Total beneficiaries (Thousands)	19,632	19,546	18,770	18,687
Retired workers	10,584	10,539	10,144	10,093
Survivors and dependents	8,173	8,138	7,827	7,797
Disabled workers	874	868	800	795
Total monthly benefits (millions)	3/$1,311	3/$1,304	3/$1,241	3/$1,234
Retired workers	820	815	779	774
Survivors and dependents	412	410	390	388
Disabled workers	80	79	72	72
Public Assistance				
Total recipients (thousands)	7,871	7,860	7,587	7,573
Federally aided programs	7,161	7,160	6,822	6,807
Aid to families with dependent children	3,134	3,143	2,933	2,932
Total recipients	4,178	4,191	3,912	3,911
Old-age assistance	2,168	2,177	2,194	2,191
Other federally aided programs	815	792	716	705
General assistance: Cases	322	321	326	324
Recipients	710	700	765	766
Total payments (millions)	4/$422	4/$423	4/$391	4/$390
Federally aided programs	392	394	361	360
General assistance	21	21	21	21

Operations Under Area Redevelopment and Manpower Development and Training Acts

	Total		ARA		MDTA	
	September 1964	August 1964	September 1964	August 1964	September 1964	August 1964
Total paid trainees	37,281	33,035	5,318	5/4,517	31,963	28,528
Youths	6,378	5,473	NA	NA	6,378	5,473
Total net benefits	$5,225,656	$4,396,625	$284,848	$329,208	$4,940,808	$4,067,417
Training allowances	4,321,765	3,300,408	284,848	329,208	4,036,877	2,971,200
Youth allowances	(6/)	374,410	NA	NA	(6/)	374,410
Subsistence allowances	646,854	509,352	NA	NA	646,854	509,352
Transportation allowances	257,077	212,455	NA	NA	257,077	212,455

Temporary Disability Insurance Activities Under State and Railroad Programs

	First claims received		Weeks compensated		Benefits paid		Benefits paid	
	September 1964	August 1964	September 1964	August 1964	September 1964	August 1964	September 1963	August 1963
California								
State plan								
Basic benefits	46,611	44,553	287,005	273,587	$15,140,287	$14,417,452	$13,276,577	$13,830,506
Additional hospital benefits	7/27,128	7/26,882	8/195,804	8/191,333	2,349,648	2,295,996	2,128,044	2,375,676
Private plans	2,713	2,716	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)
New Jersey								
State plan	7,003	6,719	53,628	51,366	2,035,874	1,946,993	1,883,680	1,900,495
Private plans	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)
New York	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)	(9/)
Rhode Island	3,271	3,217	25,157	24,965	860,098	855,682	816,053	866,806
Railroad								
Sickness	10,604	11,802	10/123,878	11/113,746	4,645,598	4,063,305	4,537,268	4,591,280
Maternity	131	140	10/2,496	11/2,462	169,778	174,691	200,714	213,045

1/ Data not comparable with earlier reports. Effective January 1964, Federal noncontributory and State and local retirement systems previously included with the data for unemployment insurance, temporary disability insurance, and workmen's compensation are included with railroad and public employees retirement systems (revised figures also shown for July and August 1963).

2/ Data for temporary disability insurance and workmen's compensation include estimated payments made by private insurers and self-insurers in accordance with law.

3/ Current payment status, excludes lump sum and retroactive payments and adjustments for over- and under-payments.

4/ Total exceeds sum of items because of inclusion of vendor payments, not shown in detail.

5/ Data in prior issues represented number of persons enrolled in training around the first of the month; beginning with October 1964 issue, data represented number of persons enrolled at some time during the month and who received one or more checks.

6/ Data for youth allowances are not available separately but are included in training allowances.

7/ Represents the number of payments made.

8/ Days for which additional hospital benefits were paid.

9/ Data not available.

10/ Estimated from data "benefit periods" compensated which number 61,939 for sickness and 1,248 for maternity.

11/ Estimated from data "benefit periods" compensated which number 56,873 for sickness and 1,231 for maternity.

NA--Not applicable.

Operation Earthquake

*Sally T. Avrit**

EARTHQUAKE! The news came to Juneau, Alaska, 620 miles away, shortly after the horrifying shocks began on March 27, 1964. News was sketchy in spite of valiant attempts at radio service. Direct communications were completely severed. Every department in Alaska, including the Department of Labor, was faced with emergency operation procedures that taxed ingenuity and departed from the norm.

Programs of the Department of Labor were quickly geared to bolster the economy and ease the plight of those persons in the stricken area of south-central Alaska. Within hours of the disaster, the Director of the Employment Security Division arrived at Anchorage from Juneau, hand carrying $60,000 in unemployment insurance checks to help avoid delays resulting from mail disruption.

Central Office Acts Quickly

Central Office staff met immediately to initiate emergency procedures. Plans were based on the appalling assumption that local offices and records had been destroyed in Anchorage, Kodiak, and Seward. One of the first actions, therefore, was to reconstruct claimant records. A short program using the 1401–1405 RAMAC system was prepared, and basic information printed out individually on each claimant.[1] As Alaska's benefit payments are authorized by local offices on prepunched cards, 10 prepunched cards accompanied each claimant's record.

The first terrific earthquake shock was felt on Good Friday, March 27, 1964, at about 5:36 p.m. By the the following Monday morning, the duplicate claim records were received by the Anchorage office but, happily, were not needed. While almost total destruction existed almost two blocks away, the Anchorage office, incredibly, suffered little damage. Supplies and records were topsy-turvy; some equipment was damaged; electric lights and plumbing and heating were nonexistent; but the office was open for business the morning after the quake. Personnel had been recalled by radio, and the office remained open on a 24-hour basis until April 7, when it was reduced to 12 hours. The Seward and Kodiak local offices and the departmental administrative office in Juneau also went on a 24-hour schedule for varying periods of time.

The Central Office at Juneau got in touch with the Bureau of Employment Security's Regional Office, which authorized additional expenditures and concurred with plans to eliminate temporarily all but essential and basic unemployment insurance operations in the disaster areas.

Procedures Modified

Since there were no provisions in the Alaska employment security law and pertinent regulations for emergency operations during disasters, it was decided that both be applied leniently during the aftermath of the earthquake. The administrative and technical staff cooperated in planning and adopting the following temporary modifications of policy:

1. Requests for information from employers in the affected areas were discontinued. It was felt that even if employers' records were intact, there should be no addition to their existing problems.

2. Medical statements, which are required when a claimant's ability to work is questioned, were discontinued for all claimants residing within the disaster area. Decisions concerning ability to work were left to the best judgment of the claims

*Unemployment Insurance Technician, Employment Security Division, Alaska Department of Labor.

[1] The RAMAC system is an electronic computer which uses a method of random access equipment for storage of claimant data and other information.

R. W. James (right), Director of Alaska's Employment Security Division, meets Willard Dunham, the Seward local office Manager, at Mr. Dunham's home to discuss emergency procedures.

examiner. Doctors within the disaster area were too involved with emergencies to be required to complete such statements. Other local offices in Alaska followed the same procedure in the case of claimants moving into their locality who formerly were under a doctor's care in the disaster area.

3. The regulation dealing with "vacation pay, terminal leave, and wages in lieu of dismissal notice" was not applied to persons who filed new or additional claims whenever it was found that their current unemployment resulted from the earthquake. The section of the Alaska law normally applied in these cases defines unemployment as "a week during which he performs no service and with respect to which no remuneration is payable to him." In many instances the claimant would not know the amount, and again it was decided to avoid harassing employers.

4. Another section of the Alaska law provides for the disqualification of a woman who leaves her most recent work to change her place of residence to remain with her husband or family. During the emergency many families were dislocated and moved to other communities. When such a move was necessitated by the disaster this disqualification was not applied, but the law was enforced if the move had nothing to do with the disaster.

5. "Availability for work" provisions were interpreted liberally. Travel to search for work was allowed if necessitated by the unusual conditions. Full-time voluntary emergency work was not considered as employment and did not affect

availability. Late reporting to file new, additional or continued claims was permitted up to 2 weeks without investigation, because many claimants were not able to adhere to strict reporting schedules. Since many persons did not know whether they would be paid for voluntary work, such a possibility was ignored for the weeks in question. Any payments received later were reportable in the week received.

6. Benefit rights interviews and periodic interviews were postponed.

7. A question later arose as to whether payment by employers to employees temporarily out of work would constitute remuneration. The answer was "no," as we applauded the employer's assistance in alleviating the situation.

Local offices were notified of these changes as soon as communications were restored, which was remarkably soon. In fact, direct contact was made with Anchorage the day following the disaster, although it was at least a week before Seward had telephone service. Daily calls were made to Anchorage at 10 a.m. One reason for the early restoration of telephone service in the Anchorage local office was that it was also the official manpower center in the area. Constant contact was maintained with civil defense authorities. The office also provided temporary quarters to the Social Security Administration. Almost all contacts and communications in the city had to be by messenger, but certain vital centers did have telephone or radio connections. There was close cooperation between the local office staff and all other departments charged with bringing order out of chaos.

On April 3, all other State employment security agencies were advised of the reduced services in the interstate program. Their fine cooperation was appreciated.

Local Offices Meet Emergency

While Central Office staff continued to outline and solve foreseeable problems, the local offices exercised initiative in handling all services. They could have used more assistance, but the problems of housing, travel, and food were so serious that only a limited number of persons went into the area. The Alaska Employment Security Director and the Employment Service field supervisor flew to the area to help, and one UI technician left Juneau to aid in processing claims—mainly in Seward where the devastation was widespread and where the local office manager was also in charge of Civil Defense and Manpower operations. The necessity to move the Seward office first to a corridor in the high school and later to the Carpenters' Union local hall further complicated operations.

The Kodiak local office manager also was concerned with Civil Defense and Manpower operations, and, with 70 percent of the business establishments destroyed, he was thoroughly engaged in the concentrated activity. As in Seward, no one was permitted in restricted areas without Employment Service work slips.

Two claims investigators traveled to remote areas where no local offices existed to perform ES and UI functions. One investigator lived in a trailer while conducting business. Notices about available services were posted in public places and, in Valdez, in the enterprising Earthquake Bugle. The entire business district and 80 percent of the homes in Valdez were destroyed. There was not as much claims activity in the villages as anticipated, since some people had been evacuated, others had left, and many were working. Affidavits for beneficiaries were completed in several cases. On reaching Afognak, a community of less than 200 people, our claims investigator found that 10 persons had been killed and 9 more presumed dead.

Some villages on Kodiak Island were evacuated and relocated in an Anchorage school. The villagers immediately set up their organizations and continued operations under their village chiefs. When the UI supervisor visited to take their claims, contrary to the curtailed approach adopted during the emergency, she also explained the program as none of these claimants had had an opportunity to hear a benefit rights interview (BRI). She was asked why someone didn't travel around to tell them about unemployment benefits. When she replied, "Money!" they smiled. They understood. Actually, the Alaska agency does attempt to reach as many claimants as possible, including a radio BRI broadcast in Eskimo to certain sections, but the vast distances and sparse population make complete coverage impossible. These villagers were relocated later in quonset huts at Fort Richardson. Some villagers who suffered from exposure entered the Alaska Native Service Hospital where they were visited by UI personnel who also took claims.

Photo by *Anchorage Times.*

Interviewing villagers who were relocated in an Anchorage school.

The hood of a car served as a desk for processing MDTA claims in Anchorage due to limited facilities and restricted areas. Some MDTA courses were disrupted or postponed, and training allowances were approved up to a 2-week suspension. An electrician course continued uninterrupted, although half the class went to work before its completion. An engineering technician course was accelerated as contractors were very much interested in hiring all the graduates as soon as possible.

Effects on Program

Notwithstanding its heavy impact on the business sector, the disaster failed to develop the anticipated increase in claims for unemployment benefits. More than a month later, fewer than 200 claims attributable to joblessness arising from the earthquake had been received by the Employment Security Division. One reason, of course, was cleanup work, followed by construction activity related to the recovery program. This is expected to maintain employment at a high level. Another factor was the publicity distributed throughout Washington and other Western States, as well as at Prince Rupert, British Columbia, discouraging anyone from coming to Alaska without having a specific job. There had been many inquiries about employment opportunities.

The entire ordeal demanded extraordinary service from the staff and it was given willingly and unstintingly. In spite of serious personal problems in coping with the physical aspects of living in the disaster areas, all exerted themselves beyond the line of duty. With cooperation at all levels, the unemployment insurance program, as well as other programs, functioned as smoothly as could be hoped for under the circumstances.

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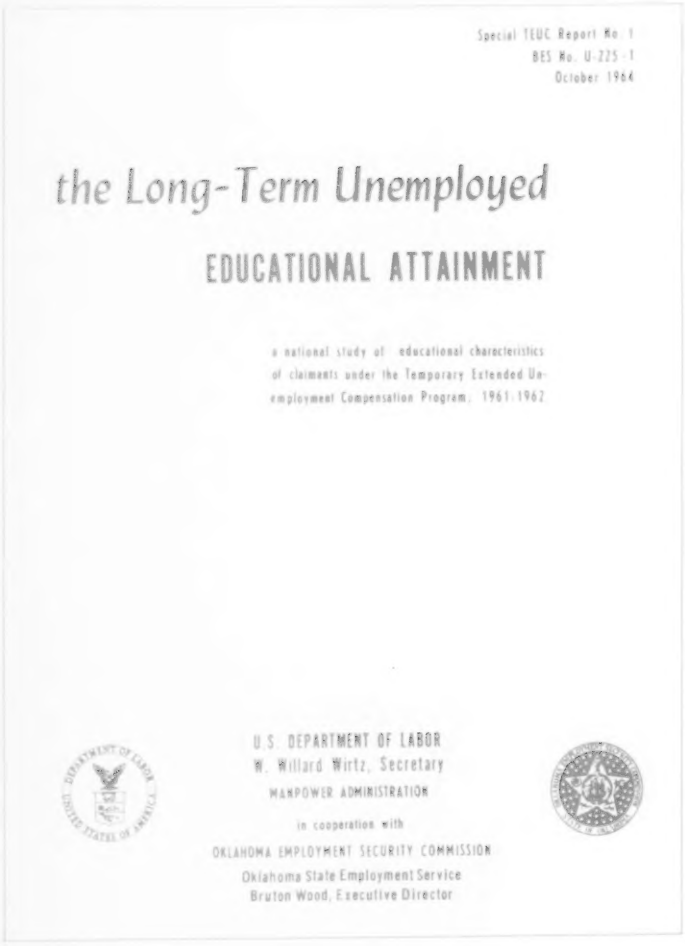
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the Long-Term Unemployed
EDUCATIONAL ATTAINMENT
a national study of educational characteristics of claimants under the Temporary Extended Unemployment Compensation Program: 1961-1962
U.S. DEPARTMENT OF LABOR
W. Willard Wirtz, Secretary
MANPOWER ADMINISTRATION
in cooperation with
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
Oklahoma State Employment Service
Bruton Wood, Executive Director

The Long-Term Unemployed: Educational Attainment presents information describing the educational and vocational training characteristics of claimants for unemployment insurance benefits under the Temporary Extended Unemployment Compensation (TEUC) program of 1961–62.

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